Customary Laws

of the Nagas of Manipur

Ringkahao Horam

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Dr Ringkahao Horam

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Preface

Writing document on Naga customary Laws is very interesting and great challenging task, because it is unique in its own way.

In this book, I try to show the basic elements of customary laws and practices of Nagas living in Manipur state. I am conscious of some omission, and there are some areas, in which I am tempted to elaborate in full. However, as the Nagas living in Manipur state are numerous I am constraint to do so hence I will be dealing in brief of each Naga tribes. However, I try my best to include all the important and basic customary laws and practices of the Nagas of Manipur state.

As the Tangkhul are the only predominant tribe in Ukhrul district, I have more liberty to discuss of their customary laws and practices. In Chandel, Senapati and Tamenglong district since there are many Naga tribes I did not deal separately of each tribe, but make a common topic and give their important customary laws and their practices.

Since the Nagas have common origin, and are of same stock of race, speaking the same language group, the customary Laws and practices are more or less the

same, with only slight variation from tribe to tribe. I hope that, this small product re-kindle the traditional value of the Nagas.

- Dr. Ringkahao Horam

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Above all I thank God for his eternal blessing and guiding my life and also blessing me with wisdom and good health, which I am most thankful and indebted to him.

Dated **Dr. Ringkahao Horam**

25th Oct. 2013.

Imphal

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1

Introduction

Customary law is one of the unique ways of life of the tribals. It has been one of the important parts of the study of the tribal society. The peculiar, uniqueness, important and curiosity to know more about it grows in present generation. This is due to growing with the realization of our pluralistic society.

A tribal is a social group in a traditional society consisting of linked families or communities sharing customs and beliefs. And customary law is defined as a traditional common rule or practice that has become an intrinsic part of the accepted and expected conduct in a community, profession or trade and is treated as a legal requirement. Custom is an important key for the historian in profiling the stages in the growth and development of a community. Certain common behavior of a particular group became a culture. This culture leads to customs and the customs and the customary practice may turn into customary laws.

Therefore, customs are not necessarily customary laws. They are not synonymous either, customary laws

have the sanction of the society if not obeyed; such violator is liable to be punished. Custom like law is set of rules and regulations of the people within the society. Therefore there may be many customs without any legal authority so if violated, it cannot be punished.

Customary practices are based on common consciousness and they are spontaneous voluntary in nature. It is socially sanctioned behavior of the members of the particular society which has been transmitted from generation to generation. it include moral, legal, religious, and other aspect of life which is in the form of norms, customs, taboos, traditions, values and moral standards which regulate the relations of the individual with the society.

About the connotations of custom and customary practices, Justice Lahiri said that "Customs are habits or conduct observed by classes or groups of people; may they relate to etiquette, dress, rights surrounding important events of life such as birth, marriage and death. Every society must have customs of their own. Some amongst them are well established. They fall within the group styled as social custom".

Customary rules and regulations and their practices are usually unwritten or un-codified. But since it has the sanction of the society, it is a continuous process or age-old tradition thus its authority and power is sustained and obey by all. It is true that customary rules existed even before the emergence of nation or state. In fact, the customary laws are the main architect of modern codified laws. And in spite of many laws and constitution has been made, still customary laws continued to be followed and recognized with due respect.

Today, the courts recognized customary laws as valid rules of law. This is because justice demands that unless

it contradicts with the wishes of the people which confirms with the rule of law, it is not illegal. Moreover customary law has certain qualification like their culture, identity, humanity, justice, rights and something to do with their philosophy, ideology, and social and spiritual belief system. Therefore, it is here to stay.

The following points are the valid essential attributes of custom.[1]

i. A convention cannot be a custom. A custom is obeyed from consciousness of its obligatory character and benefits out of it.

ii. A custom acquires the character of law when it is accompanied by the convention on the part of those who use a custom which is obligatory and not merely optional.

iii. It is recognized that there is authority behind a custom.

iv. A custom must be ancient, certain, reasonable, clear and unambiguous.

v. A custom to be valid must not be contrary to justice, equity or from good conscience.

vi. It is the assent of the community that gives a custom its validity.

vii. Customs are matters of facts and not of theory.

viii. Custom is founded neither on common sense nor on one reason.

ix. Customary law is a 'fluid state' and changes with times.

One of the remarkable features of tribal or folk made of dispensing justice through customary laws is that there is no clear-cut division between civil and criminal offences as it is done in modern jurisprudence. It dealt straight away to the offender and the guilty is punished

thereof. The primary concern of the customary law is to maintain the social order. Therefore, certain rules and regulation are made for different sex, ages, nature and with their spiritual belief in God so that harmony with man to man, man with nature, man with animal and man with God is maintained without jeopardizing it.

In short, customary laws regulate the conduct of a society. It is that body of laws which comprise rules of conduct in which the society itself feels bound to observe it. Therefore, the customary laws are essential for every society to regulate the behavior of individual members. Thus it is found in every tribal as well as non-tribal society.

It is rightly said by Rousseau that "Man is born free but everywhere he is in chain". Tribals particularly Nagas are no exception to it. They are under the bondage of custom. Their day-to-day activities and life are circumscribed by numerous unwritten code of conduct in the form of custom and customary laws. His life is governed and regulated by unwritten customary laws. Ignoring it or breaching of any of these laws are to be punished in one way or the other. This age-old traditional practice is a binding force for their survival. Interestingly, in spite of no formal institution to learn all these varied customary laws of dos and don'ts etc. the tribal people learn and know all these at ease within no time. It is amazing to see the tribal people, master of their customary laws and follow them respectfully.

1.1. LAND AND THE PEOPLE

Manipur is one of the small states in India. It lies between 23.53°N and 25.41°N latitude and 93.2°E and 94.47°N longitude. It has an area of 23,327 sq. km. The altitude of whole Manipur ranges between 781 meters

and 2,020 meters above sea level. According to latest census of 2011, Manipur have a total population of 27,21,756. It has 9 districts namely:

1. Imphal East
2. Imphal West
3. Thoubal
4. Bishenpur
5. Senapati
6. Churachandpur
7. Ukhrul
8. Tamenglong, and
9. Chandel

About 91.75% of the area of Manipur is hill district which is predominantly inhabited by the tribals. There are about 33 recognized tribes in Manipur. As my area of study for the project is Customary Laws and Practices of Nagas in Ukhrul and Chandel District, let me focus mainly on these two districts.

Ukhrul District

Ukhrul district is towards the east of Imphal which is the highest hill station of Manipur. It is lying roughly between 25.5°N and 25.41°N latitude and 94°E and 94°E longitude. It has an area of 4,544 sq. km. It has a population of 1,83,125 according to 2011 census. The district is predominantly inhabited by the Tangkhuls. Bulk of Tangkhul population is also found in the adjacent district of Senapati and Somra tract in Myanmar.

The population of Tangkhul is about 2 lacks. The Tangkhuls ethnically belonged to Naga groups who are Mongoloid race speaking Tibeto-Burman language. They are well build, medium in height and refined looks.

Among the Nagas of Manipur the Tangkhuls are comparatively found to be a bit taller than the rest.

It is generally accepted that the migration wave of the angkhul can be broadly classified into three phase:

1. Makhel - Phungcham Longthan Group
2. Shokvao - Hungphun Meizailung Group, and
3. The successive wave that came after

The Tangkhul region of Ukhrul district is sub-divided into sub-region as per topographical settings with its name since time immemorial.

Chandel District:

It was earlier known as Tengnoupal District. In 1983, it was renamed as Chandel district. It is bound in the North by Ukhrul district, Northwest by Thoubal district, West by Churachandpur district and toward South and East by Burma. This district lies in between 24.40°N latitude and 93.50°E longitude.

Chandel district is inhabited by several communities of about 20 different tribes. It has an area of 3,313 sq. km and a population of 1,44,028 as per 2011 census. The Naga tribes who lives in Chandel district are:

1. Aimol
2. Anal
3. Chothe
4. Lamkang
5. Maring
6. Monsang
7. Moyon, and
8. Tarao

Each and every tribe of these Nagas who lives in Chandel district has a unique traditional social and

cultural life which is governed by customary laws. Most of the ethnic tribals living in Chandel district have little population like the Tarao, Moyon, Monsang etc. but they are preserving their traditional culture, as it is their identity. They are all Mongoloid races speaking Tibeto-Burman language. These Naga Tribes believed that they originated from Mongolia. Then they drifted down towards Huang-Hoa River in central China and then moved further towards Burma and reached Shamshok and reached Makhel (in Manipur) and dispersed to their present dwelling.

1.2. LAND OWNERSHIP SYSTEM OF THE NAGAS

Land and tribal people, particularly the Nagas has been inherent economic guardian since time immemorial. The Naga social and cultural system and identity are closely linked with the land. For them land is not only for physical sustenance but also social, cultural, political and spiritual life too. Land is related with their day to day living custom and they cannot think of their spiritual life without land because it is closely related with surrounding nature and spiritual belief system too. It is difficult to differentiate and separate them.

Every village is self-sufficient of their village land and territory. All the forest and land resources are accessible to the whole village community. But they have customary laws to deal it in such a way that no individual could claim absolute authority and exploit other through these natural resources. Whatever they possessed are for the welfare of the community first. Thus they have mainly common holding and common sharing system. Therefore, it has an element of socialism.

Traditionally, Nagas lives on a hilltop where they can have a good view of the surrounding. This was to keep

vigilance from any kind of attack because in olden days they practiced head hunting. Therefore, choosing a village site is to be a place where, enemy cannot easily attack and access to it. Head hunting practice is now a story of the past. But the Nagas continue preferring to settle on the hilltop. Once they settled down in a place, unlike Kuki tribe, it becomes a permanent settlement which they rarely move out to a new place. Naga village is a well demarcated land and territory with the neighboring villages. Each village is more or less, independent like that of 'Greek City- State'. To quote Dr. M. Horam, "whether or not the village was always a social political and religious unit, the fact remains that it was independent unit... the village is an independent unit in the tribe".

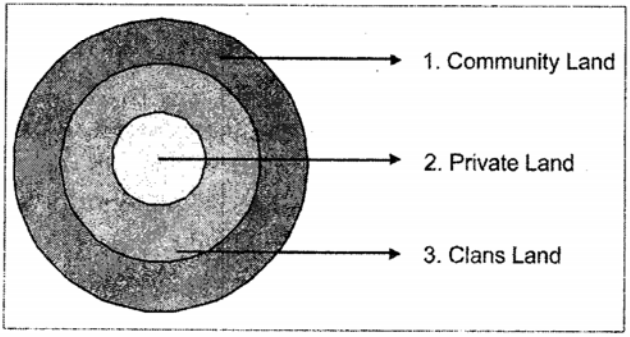
The Naga society in the village is compact and well-knit together following rigid customary laws and strict disciplines are observed. As the village is more or less independent, the customary laws are supreme and administration of justice is prompt and quick. We can say that a Naga village has; 1. Population, 2. Territory, and 3. Sovereignty. U. A Shimray writes that "Land and forest provides not only an important element in their (Nagas) livelihood system but also strongly linked with the land they live. The land is more than just a habitation or a political boundary; it is the basis of their identity.

The land ownership system of the Nagas is strictly followed according to the customary laws and practices which is transmitted from generation to generation. In almost all the Naga society only males can inherit the landed ancestral properties such as homestead, terraced paddy field and jhum areas and household, owned woodland. In case of a man who has no sons, the ancestral properties both moveable and immoveable will go to the nearest relatives. According to Naga custom,

moveable properties like land etc. which are inherited from the ancestral cannot be given to the daughter but any goods which are not inherited from the ancestral can be shared and given to the daughter also.

Regarding sale of land and land transfer system, it is very strict. One cannot just buy it. It has to fulfill customary sanction. No land or part of land can be sold, mortgaged, leased, bartered and gifted or transferred to outsider. In case a person would like to sell of his land, his nearest family member are consulted and given chance to buy it. If no suitable buyers are there, then his clan or relative are given chances. If in case of no buyer only then it can be sold off to other clan of prospective buyer. Usually, land is not sold off to another villager.

Accept few variations, the land ownership system of the Nagas are almost the same. There are mainly three categories of land ownership system of the Nagas. This system is also known as three tier system.



They are:

1. Land collectively owned by the village (community).
2. Land collectively owned by the clans.
3. Land owned by individuals/ private.

And the fourth category which is not so common and uniform but do exist in some part of the village is 'land owned by chief'.

1.2.1. Land collectively owned by the village

This is the outermost circle (refer above diagram) of the land ownership system of the Nagas, which collectively owned by the village. This is also a boundary line with the neighboring village. R. Luikham writes that "Traditionally, all the Tangkhul Villages are located within the entire territory of their contiguous inhabited landmass falling under India and Myanmar. Each village owns a pretty large chunk of land collectively mostly forests, woodland and terraced rice fields. Each village possesses a well-defined natural boundary such as brooks or streams or ridges or a pile of stones or a number or stones (usually 3) embedded underground. These chunk of land collectively owned by the village are manage by Village Authority (Hangva) comprising of representatives usually the eldest known as the 'wungva-wungva' (Tangkhul dialect) of all clans presided over by the chief as its permanent chairman. He is either the hereditary chief or elected person designated as chairman for a specified term as followed today".[2]

Land collectively owned by the village or community land is the largest portion of land of the village. This comprise of forestlands, woodlands or meadows etc. which is utilized for house building materials or firewood or for community jhumming purpose. Hunting, fishing, etc. are also mostly done in this area. Normally in hunting each villagers have to confine in their own village territory. The village authority which is normally from every clan manages and looks after the village community land like vigilance of the boundary encroachment by the

neighboring villages etc. The village authority also regulates and decides a location where jhumming cultivation will be done in the coming year. In the village community land, other individuals are not allowed to utilize for personal purpose. They are not given free hand for business purpose. The village community land cannot be sold off. All the villagers with common sense voluntarily take care of the land so that the flora and fauna and the environment are not affected while using the resources and the product from the community land. Because of shouldering the common responsibility of the villagers, in spite of utilizing the resources from the land since time immemorial it can still preserve the forest without much affecting the environment.

To sum up, land collectively owned by the village is the most extensive arable land in which all kinds of crops are cultivated by the village farmer and individual or community can use its product for personal housing materials, firewood etc. all these activities are under the strict rule of customary laws.

1.2.2. Land collectively owned by the clans

The second category of land which is shown in the middle circle of the diagram is land collective owned by the clans. It is mostly practice by many Tangkhuls especially in the Northern side, but in spite of the land owned by a particular clan, it is managed under the administration of the village. There are also cases where clan heads possessing. But it is also used for the welfare of the people. So it is open for the jhumming cultivation of the villagers. Hence, it is not exclusively for that particular clan alone. Terraced, wet or dry cultivation are usually in the area of community owned land and land owned by the clan. But this wet terraced field is owned

by individual where he has absolute right over it, at his own will to sell or buy it. But in actual practice when any person wants to sell it, the nearest relative or clan is always consulted or given chance to buy. This is the practical norms and custom of the Tangkhuls. There are also some cases of rice fields owned by neighboring villagers who had purchased them across their village boundaries. Normally, the boundary of land is demarcated with the natural topography of the land like, river, stream, ridges, topmost point of ranges etc. But in case of rice field, it is not necessarily followed in that pattern. Moreover, two or three or more villages can have private field in the same area, even outside their village boundary in the same area, even outside their village boundary.

Lands owned by the clans are also utilized for house building materials, firewood and for cultivation of different crops. Since the village state is closely knit-up society, they are relatives; they are relative in one way or the other through inter-marriage. There is always a sense of sharing with one another. Therefore if any part of land is owned by individual or by clan they are used commonly. They may not be developed but surely they have the sense of common sharing, there is socialist pattern in their way of life.

1.2.3. Land owned by individual farmers

The third category of land owning system is, land owned by individual or family. This is represented in the innermost circle of the above diagram which is the nearest to the village or compound. They are comparatively smaller in size. Such lands are private properties which are mainly used for cultivation of different crops, gardening purpose, cattle rearing purpose, or for wet

and dry terraced fields and some raise trees for fuel purpose. Since these are private property they are inherited to their son. In the customary practice of the Nagas private land, particularly inherited from the ancestral cannot be given to their daughters. Only male child has right to inherit it. Such private properties are seldom sold, but if an individual would like to sell it, in case of unavoidable circumstances, his nearest relative from the male side are always consulted and given chance to buy it.

Therefore, according to customary laws, the female children are not entitled to inherit any portion of immovable properties like fields or houses or landed property. But female child can inherit some of the moveable properties like in cash or in kind.

Recently, the changing scenario of the world, particularly the liberalization wave seems to affect the Naga custom of inheritance. Now some people accept ancestral inherited properties, the rest which are bought by their parents especially outside their village mostly in town or cities, landed properties like plot of land, field, etc. are also given to their daughter. The customary laws for such cases are not specific and clear. This may be because in those days they are only confined in the village as there were no towns or city, so buying property in such place does not exist.

There are also woodlands owned by the individuals. Such lands are not utilized for cultivation but are preserved for fuel and timber purpose.

1.2.4. Land owned by the Chief

The fourth category of land which is not so common but do exist in some village is land owned by the village chief. Some sizeable land are owned by chief and utilized

by him and his subject according to their needs and necessities from time to time. Usually these lands are preserved to raise trees for housing materials and for fuels. Sometimes, the cultivable fertile lands are used for planting different crops. In such case a great amount of traditional royalty crop is given to the chief.

Traditionally, the Nagas chiefs used to marry number of wives and as the chieftainship hereditary, he usually tries to have many sons so that his chieftainship is passed on. In doing so, he has to construct lots of houses. Moreover a royal house is usually grand and big enough, with all the wood carving design which has a great significance. Therefore, for construction of houses he needs lots of housing materials. For all this needs, as far as possible he used to take from his possessed land. Hence, the chief owned lands are preserved as forest. Sometime the forests become so thick that, they were filled with fauna and flora of many kinds and varieties. Sometime, the chief himself along with the villagers goes for hunting in his own forest land. The hunted animals are feasted along with the villagers.

Sometime, the forest lands owned by the chief were also utilized for jhum cultivation and fuel purposes. It is also used for house building materials.

The land traditionally assigned to the chief is exclusively for him, for his use for they want the chief to be economically sound. But as the time pass on, due to the mismanagement, such land have pitiably dwindled away from the chief. Such privilege given to the chief may not likely happen again in the near future.

The land ownership system of the Nagas which have been discussed shows that land is an integral part of their life, which is governed by their customary laws. It

is also a fact that in spite of vast land with meager population there is no vacant land (wasteland) in the tribal area. They respect land, nature, and environment thus they can keep the ecological balance since time immemorial.

ENDNOTE

1. opp:cited. The Customary Laws and Practices of the Ao of Nagaland. Law Research Institute, Eastern Region (Guwahati High Court) 1979, pp. 20-21.
2. R. Luikham, *Tangkhul Traditional Land Use System and Related Customs,* UDCRMS, Ukhrul, 2006.

2

Customary Laws and Practices of Nagas in Ukhrul District

2.1. THE CHIEFTAINSHIP (AWUNGA) AND THE VILLAGE COUNCIL

The Nagas, particularly the Tangkhuls' way of life is unique in many ways. It is amazing to see that every walk of life is minutely governed by customary laws. Although it is not written, there is no confusion in it, and all the citizens are expected to know all the customary laws, which they do without imparting this knowledge through formal education. Their memory power, instinct and their ability to learn all form of arts, customary laws etc. are so quick and amazing.

The Naga society is based on the patriarchal system and is rigidly exogamous. The family lineage is traced through the common ancestor.

The chieftain system among the Nagas is hereditary or in some case elected/selected. Its more or less a republic type. The chief is the leader who is the head of

all the department of the village. But he use to work and exercise his duties on the aid and advice of his council. He did not usually take decision against the wishes of his council while discharging his duty. He is bound by customs on the line of traditional laws. There are great elements of democratic procedure.

Usually the first settler of the village is made chief of the village and it became more or less hereditary. In olden days, to become a chief one has to pass sudden test. Only after fulfilling those tests he can become king/ chief. The king is not only administrative chief but also commander in chief of war and religious activities called 'Sharwo' (in Tangkhul dialect) which means priest. As such he has to perform sudden rituals and rites of religious matter. All the customaries are passed and executed under his name. As he is the religious head, the chief is the first man to sow seeds, the first to plant and the first to harvest after performing certain ritual and rites. Anyone who breached this custom is punished. His presence in any religious ceremony is needed and he presides over all religious festivals.

The village chief as a secular head, his function and duties are numerous. Particularly, during the time of head hunting, his primary job was to defend the village at any cost. As the head of the administration, he has to summon and preside over the meeting of the village councilor. The councilors are usually represented from each and every clan. It is the highest functionary organ of the village where the chief presided. The nature of the function is very democratic. The councilors assist the chief and the decision is wisely taken with the consent of his councilors. As the tribals are bound with various customary laws, the chief had no power to overrule them. When there is any dispute, since most of the tribal

customs and laws were based on religious practice and faith, the chief cannot overrule and use his discretion except in few cases where religious or customs are not clear. The chief is expected by his villagers to be kind, honest, brave and sincere in his administration. In Tangkhul there is a saying that "No cock hurts the chicken and no king speaks roughly". He follows this tradition, so he is respected by all.

2.1.1. The quality and attributes of Village Chief

1. The King/Chief is the head of the village.
2. In religious matter, in the village council, and in times of war, he presides and leads them; he also acts as priest in different rites and ritual of the village.
3. The chief have a royal code of costume where no ordinary citizen can wear and no other people can sit in his chair.
4. The king has a diet restriction that he cannot eat. Cat, eagle, snake, etc. and animals with blemish.
5. The king should not only look and lip serve the orphans and poor but must be with deeds, and rule with justice.
6. He should be a man of justice and principle.
7. He should be humble.
8. Citizen cannot assault the king nor should they argue the king.
9. Citizen cannot compete feast of merit with the king nor call in for wrestling.
10. He cannot be given order for physical work to serve other.
11. When the king dies, citizens should mourn for six days.

12. Women should respect by covering their head.
13. Citizen should not walk in front of him.
14. King cannot commit homicide.
15. He cannot commit incest.
16. He cannot be cursed.
17. He should not involve in illegal activities.
18. He should be free from lying, stealing, dacoit etc.
19. The king does not gossip.
20. The king does not dispense justice based one-sided information.

2.1.2. Sources of Law

Any custom which has the sanction of the people became a customary law. It is known as 'Ain' in Tangkhul. There are mainly four sources of laws among the Tangkhul. They are:

1. Social custom.
2. Public opinion.
3. Orders of the village chief (Awunga).
4. Religion.

Among the above sources of laws, social custom is the main source of law. These customs are handed down from generation to generation and thus the tradition goes on. Breach of such tradition is considered as sin and commitment of sin is feared as intervention of supernatural which can even leads to death.

2.1.3. Function of the Village Council

The traditional practice of the Tangkhuls about the Village Council is that, from each clan about 1 to 3 depending on the size of the clan represented from their clan to the Village Council. Normally, the seniors of the clan use to represent them.

The Village Council is the highest organ to govern and execute different subjects of day to day life of executive, administration and judicial of the whole village. They formulate the policy of the village in war and in peace. As it is customary laws which are sometimes divine in nature, there is no separation of judiciary and administration. The represented councilors execute and administer them. They also act as judges as this is the highest organ of the village state.

In Tangkhul, RIYAN or AIN means Constitution (mostly unwritten). In short, it is also used as YAN which is often a suffix e.g. 'Shaiyan' (collection of tribute laws), Luiyan (Laws of field) etc.

The Tangkhul Naga provides five kinds of administrative laws. These laws are exhaustive and dealt in details. They have such exhaustive laws because they want to protect poor from the rich, weak from the strong, small from the big. So that each and every human being is protected under laws and lives accordingly. They are as follows:[3]

2.1.3.1. Shaiyan

a. Raishai (War Tribute Laws): This is a law concerning about the tribute arising from the defeat in war or for protector ship.
b. Chinaoshai (Brother Tribute Laws): Normally, the younger brother who has settled in another village pay something to the elder brother in memory of their relationship.
c. Wungnaoshai (Kings Tribute Laws): A small paddy produces or animal meat are given to the chief and to the eldest of the clans for giving protection.
d. Lamshai (Land Owner Tribute Laws): Although most of the village land belongs to the public, the

first settlers are the nominal land owners of different area of the village. When jhumming is done in his area, in that particular year, a nominal share or tax is given to him.

e. Shimkan (Helping Tribute Laws): Some persons from a particular village are allowed by the king to settle down somewhere and in return for his help the king is given some meats.

f. Ringshan (Protectorship Tribute Laws): In the past period there were constant wars of each village. The stronger village which protects the smaller village is given some tax in terms of agricultural products.

2.1.3.2. Khayan (Village Administration)

i. Hangvashim : The Village Court.

ii. Hangva : Village Elders/Councilors.

iii. Zungphun : Village Unity. No one can refuse to go war for village defense.

iv. Raikan : War vigilance for war and natural calamity like fire.

v. Miwun : Farming and festival laws including egg divination etc.

vi. Shimlui Khayor : Selling properties like landed property in which he has to consult his nearest relatives.

vii. Seihomphung : The grazing grounds, no one is Allowed to cultivate here.

viii. Shimsak : House building the whole village help each other without counting the labor.

ix. Ransak : Feast of Merit - if someone throws Feast of merit, all the villagers join together and work unitedly. If anyone is injured, it is also at their own risk.

x. Ngavei : The Village gate - this is carefully made and guarded.

xi. Veishumsa : Gate meat - if a girl is married to another villager, the bride's side should offer meat for crossing the village gate without which they are not allowed to enter into the village.

xii. Chanrei : Foot path - every year the foot path from village to the paddy fields are broadened and smoothened.

xiii. Kha Khangakkan : Village taboo - when the village is observing village taboo, no one is allowed to enter or leave the village during this time.

xiv. Kha khangaleng : Excommunication and expulsion - any person who do not care the rules and regulation and customary laws etc. are excommunicated from the society. He is totally cut off from the village. Food or even fire are not exchanged.

xv. Shangashai : Subscription - village subscription must be paid. Widow may pay only half the amount.

xvi. Phanit : Festivals - for the Nagas, festivals are part of their social, cultural, political and religious life. So there are many festival in which each festival has deep meaning and significance according to the belief.

2.1.3.3. Longyan

It is the constitution of the entire Tangkhul tribe. The following subjects come under Longyan.

i. Raiyan (Laws of War) is divided into four types:

a. Ngashungrai (War of Challenge)

b. Pharrai (General War)

c. Ngathirai (Secret/ambush war)

d. Kharingtukrai (Taking as hostage for ransom)

ii. Raikanyan (War of Peace Zone Laws)

iii. Shimyan (Village Laws). One cannot go to another village and punish crime etc. it is the responsibility of the concerned village to take action appropriate to the crime committed.

iv. Lahom (Forced divorce or chasing out). This can lead to wars between different villages.

2.1.3.4. Luiyan

a. Area-wise administration such as:

i. Kasomkong Luiyan for Western area,

ii. Shongva Luiyan for Northern and Eastern areas,

iii. Vara Luiyan for Southern areas.

The above areas are further sub-divided.

b. Ngaleikhamor: ngaleikhamor are the area where head hunting is freely permitted. This is a land outside the above three mentioned Luiyans.

c. Dhari (land boundaries): these are usually marked by stone or natural landmarks such as brooks, streams, rivers or ridges etc. No one can alter or remove the marks.

d. Chonkhamakan: crossing the dhari (boundary) either to safe zone or ngaleikhamor (war zone) which is exposed to head hunting. Therefore, crossing dhari (boundary) means most likely, life or death.

e. Kachika (pass): the Tangkhul Naga has minute customary laws for everything failing to abide them by any persons is severely punished even to death. There are laws for war and customary laws for peace. 'Kachika' means giving side for passage. In those days, if the head hunting party would like

to cross another village, the permission for crossing the village is to be taken or else they can be killed. Such permissions taken of their area for sage passage is known as 'kachika'.

2.1.4.5. Shiyan Chikan (Public Rules and Regulation

The fifth administrative law is 'Shiyan Chikan'. This is about public rules and regulations such as:

i. Shimzan (house trespassing: customary laws for regulating theft in the house)

ii. Shimkai (breaking into house)

iii. Luiyan (laws related to paddy fields)

iv. Luikai (breaking of fields irrigation, channels etc.)

v. Phokapha (adultery)

vi. Latuk (molestation/rape)

vii. Lahom (divorce by force)

viii. Lapan (divorce by agreement)

ix. Miyum (murder)

x. Yomkan (exploitation or intentional crime)

xi. Pareizai (couple fighting: Nagas respect women, they cannot be beaten by men, if they are beaten it is an offence.)

xii. Tuihat (dishonoring the agreement)

xiii. Shakeiyan (animal laws): cruelty to animal is an offence; this includes both wild and domesticated animals. During the breeding seasons of animals and birds, hunting and laying of traps are forbidden.

xiv. Seiyum (secret killing of cows and buffaloes): In Tangkhul, 'Khayum or Yum' means intentional crime either killing or stealing. Hence if 'Yum' is suffixed to any being it becomes crime, if intentional, it is an offence and which dealt with

those offences like, e.g: Haryum - chicken secret killing or thief; Hokyum - of pigs; Fayum - of dogs; and, Thingyum - stealing of big trees etc.

xv. Shokhala (incest)

xvi. Pangkat (one who strikes first in a quarrel is considered as an offender and so punished)

xvii. Nao Singkata (abortion)

xviii. Pâmkasang (surrender or withdrawal by admitting one's fault)

xix. Khangami (compromise)

xx. Shimyor-Luiyor (selling of homestead or landed properties)

xxi. Sâkuipit (animal heads given to the chief/elders which is a fixed customary laws which cannot be taken by others)

The above mentioned are some of the administrative customary laws of the Tangkhul which will be discussed in more details in the next chapters.

2.2. RULES AND REGULATIONS (SHIYAN CHIKAN)

Sources of Tangkhul Customary Laws

We do not know when and where the customary laws of the Tangkhul begin but we do know one thing for sure that, the Tangkhul customary laws are a growth contributing from different sources from generation to generation. Through research, it is amazing to know that the Nagas particularly, the Tangkhuls have such minute extensive customary laws that governed them. Today they still cherish the values of it and practices in many ways. They are more humane, more practical and even more scientific than what we have now so called 'modern law'.

"When an individual is made of verbal and non-verbal behavior is all his own, it is typical and an idiosyncrasy. When some people in contact with him share it, a fashion comes into existence. When a time dimension is added to the initial spatial extension i.e. when the behavior of junior generation is affected by an individual's one time idiosyncrasy, we have a custom, a usage, when organized force steps in as a sanction and a drive behind a custom; it became a law and institution".[4]

The main sources of laws among Tangkhul Naga are:

1. Social Custom:

This is one of the main sources of customary laws. Social custom are handed down from father to son and so on from generation to generation. This social custom when disobeyed by any individual is considered as sin and thus they belief that evil spirit will harm them. Moreover, the societies use to punish them. Because of such fear of supernatural and repulsion from the society, social custom are respected and it became mandatory for every citizen to obey it. Later it became customary laws.

2. Public opinion:

Public opinion is another source of customary laws. The social belief like taboo, genna etc. has religious essence but this need the sanction of the public through public opinion, only then, it can be effective and practicable.

3. Order of Awunga (Village King)

The Tangkhul respect Awunga because he is Royal by birth and it is hereditary. He also acts as priest in religious matter. Certain ritual and rites are to be performed by him. Awunga, therefore, is very careful in all matter. He does not speak carelessly. He does not eat anything he

feels like. A royal status and royal character is well maintained. Therefore in spite of such authority over his subject, the Awunga is bound by social custom and public opinion. Many powers are given to him as a village chief. Hence people obey his order as law. The Tangkhul practices democratic pattern. He cannot be despot or a dictator. He consults village council (Hangva) in every matter and decisions are taken according to the wishes of the people.

4. Religion

This is another important source of law. Generally speaking, every human being believes in religion in one way or the other. But the faith of a person is a matter of degree; some varies low and some higher. Religion also brings unity and integrity of the people. Therefore, it is part of our life in the past and in the near future too. The compliance of the rules and regulations connected with the deity is as compulsory as that of laws and generally people obey it. Particularly, the Tangkhuls religion is closely interwoven with their polity. Hence traditional religion was also important source of laws.

The varied and numerous rules and regulations (Shiyan Chikan) of the Tangkhuls cannot be minutely written here. But some of the important ones are as follows:

i. In a village there is village council which is represented by the elders of each clan. The village chief is the head of this Council and he presides the meeting. Usually, the village council/ village court is at the premises of the village chief.
ii. The village council meeting is called by the chief.
iii. In the village council, the final decision is taken by the village chief.
iv. The village administration is held by the village

chief.

v. Any matter or problem in the village can be settled by their own clan. Only serious matter or which cannot be settled by their clan can be forwarded to Village Council which is headed by the village chief.

vi. Any problem between two villages is to be settled by the village councils of the two villages. In case of unsettlement it will be forwarded to Longphang (area judicial court) and Longrei (apex Judicial Court of the Tangkhul). The decision of the Longrei is final.

vii.

a. Sashai (meat eating portion): In order to know the social hierarchy of the village or clan, Sashai are well maintained which is divided into certain portion which cannot be sold it off, altered or omitted. This is hereditary. Such custom is known as Sashai.

b. Hangva sashai (Village Council meat eating portion)

i) Hangva Sashai - all such occasion should be done at the house of the village chief.

ii) Any fine imposed to a guilty person mostly pig, buffalo, cow, etc. (in cattle). The head belongs to the Village Chief. The clan chief has their own fixed portion and the rest remaining parts are shared together by the village councilors.

iii) In case of omitting the fixed portion by any person is taken seriously and punished accordingly.

viii. Zunphunsa/Raisa Shai (Oath taking meat for war) - for war with man or animal a vow taken in meat is known as zunphunsa.

a. In war Zunphunsa is usually taken.

b. Those who do not take part in this act are fined with a pig or an equivalent of Rs. 10,000/-. In case of failure to pay he will be excommunicated from the village.

ix. Hangva Yanret (Village Council rules and regulations)

a. Any case appealed to the village council shall be discussed in the house of the village council.

b. There are rules and regulations of the village council.

x. Shokhala (Incest)

a. Marriage to proximity of blood relation/ relatives or in other words children of the same clan or parallel cousin or children of the same phratry is known as Shokhala (Incest) in Tangkhul. Such are taboo, strictly forbidden in the Nagas' Society. Such person shall be driven out from the village and for the acknowledgment of the public they shall be fined Rs. 5,000/-.

b. Vakhalat (marrying her mother's brother's son). A girl cannot marry her mother's brother's son. The mother after her marriage becomes YORLÂ to her brothers and her brothers became VAREI to her. YORLÂ's daughter cannot marry VAREI's son. Such marriage is considered marriage of blood relation as the daughter bored by VAREI's blood is marrying back to the same blood. Such restriction is called Vakhalat which is strictly prohibited by customary laws. But after a gap of three generation, they are permitted to marry. Such offender cannot be a leader in the village in his generation. And as an acknowledgement and condemnation, a sum of Rs. 5,000/- is imposed.

c. Chinaorar Khangakum (Marriage of children of parallel cousin sisters). This is the marriage of children of parallel sisters. Such marriages are forbidden as their mothers are from one clan. Such is called Chinaorar Khangakum. Such offender are also forbidden to be a leader of the village in his generation and as an acknowledgement to the villagers for the breach of custom Rs. 5,000/- is imposed as fine.

xi. Rules for change/ removal of chieftainship

a. The incest village chief is removed from his chieftainship as he is also a priest who has to perform ritual rites and other holy ceremony. Incest people are forbidden to perform such ritual and rites even his sons and grandson etc. cannot inherit chieftainship.

b. The village chief who has breached the customary laws by marrying Vakhalat, Chinaorar etc. cannot become a village chief in his generation and Rs. 5,000/- only is imposed as fine.

c. A person cannot be the village chief of two or more villages.

d. A chief who has left behind the old village and settled in the new village can no more hold the administration of the previous old village.

xii. Citizenship. A person can take village or clan citizenship in other village but due approval and proper information with certain rules are to be fulfilled before accepting him.

xiii. Titleship. Traditionally, Nagas, particularly the Tangkhuls do not have social class, but certainly there is social stratification based on royal or elder clan. This social strata is hereditary and birthright. But it does not have any religious

connotation or pollution like the Hindu varna system.

The Tangkhul society is divided into three strata:

i) Amei (male) - Achon (Female)

ii) Achui (male) - Ayai (Female)

iii) Achei (address to both Male and Female)

Amei and Achon stands at the pinnacle of the Tangkhul social set up. These are titles of the eldest or royal family or the head of the clan etc. They are inherited and passed it on. Achui and Ayai are in the middle rung of the society where as Achei which is addressed to both sexes is the last or the youngest titleship ascribed.

When Amei-Achon (elders) titleship of a particular clan etc. is in wane, the nearest relative can inherit it. When this title is to be conferred buffalo or other animal are killed and public or that clan have feast, if not his titleship is not recognized.

xiv. <u>Kharar Pheiham</u> (wrongful claim of titleship). Sometimes, the titleship of Amei-Achon (elders) etc. is wrongfully claimed by younger ones. This is known as Kharar Pheiham. In such cases the guilty person is fined with Rs. 5,000/- out of which Rs. 2,000/- is given to village authority and the rest Rs. 3,000/- is given to the genuine title holder.

xv. <u>Land</u>. Every village have definite boundary of land whether small or big within his village territory. Private clan or community may have their own land.

a. <u>Lamshai.</u> It is a tax given to owner of the land whether individual or clan for using his land for cultivation or other purposes.

b. <u>Luimashat</u>. It is a tax particularly given to the field

owner for using/ cultivating his field mainly terrace or jhum cultivated field.

c. Luiyam. It dealt about different rules and regulation of the land particularly paddy, jhumming field and forest etc.

d. Rules and regulations of irrigation, dam etc. The Tangkhuls have every minute rules and regulations of irrigation, canal, dam, etc. Breaking of such common traditional rules is punished and fined.

xvi. Dhari (boundary). Every village and each individual of their land whether forest, terrace or jhum cultivated field or unused land, all have boundaries. Usually the boundaries are made with ridge, brook, stream, river, etc. or by erecting three stone closely inclined with one another are erected as a sign of boundary.

a. Ngalei Khamakei or Kashai (Biting or eating of the disputed land). When there is any dispute of land and both parties claim rights over it, the matter is referred to justice through ordeal. Such is done by oath taking in front of witness. They will fix a particular time usually one year. Then they will pick up a handful of soil from the disputed land and bite or eat it swearing that misfortune may befall on the wrong person. Within this fixed period if any misfortune befell, then he is taken as offender. It is believed that within the four seasons of a year the supernatural anger befall on the offender for taking oath wrongly.

b. Water ordeal. This is another popular administration of justice through water. The rules are simple. After making agreement along with witness the two parties at the same time submerge

in the water of not less than 4 feet deep. The person who floats or comes out first is the offender. Women cannot be given the ordeal.

xvii. Luiphat (selection of jhumming field after divination). The priest after egg and bamboo divination selection of jhuming field is done which is known as 'Luiphat'. Any person who cultivates jhum outside selected area by the priest is fined with Rs. 3,000/-.

xviii. Phumrai Kaphor (defaming by alleging witchcraft, evil spirit possession etc.). Defaming a person by alleging witchcraft, evil spirit possession and hereditarily unclean blood possession etc. are fined Rs. 1,200/-.

xix. Khamâng Kaphor. Citizen of a village or after giving citizenship of the village, if any person speaks of him as non-citizen or outsider is known as 'Khamangphor'. The offender is imposed fine of Rs. 1,200/-.

xx. Maishat. A physically challenged persons (handicap) whose physical status is mocked or ill spoken, the offender is fined with Rs. 500/-.

xxi. Maiyon Morlan. In the village council or in public place if any persons over speak intentionally to defame, attempts to character assassination with negative attitude, it is known as 'Maiyon Morlan'. In such case the offender is imposed with Rs. 1,000/-.

xxii. Yomhan. Any person without respecting other speaks carelessly about other is fined Rs. 1,000/ Such is known as 'Yomhan'.

xxiii. Nganingphor. Without considering the truth, speaking ill of other to defame them is known as 'Nganingphor'. Such offender is fined Rs. 1,000/

xxiv. Thizei. If a person speaks mockingly of a death person with malice, it is known as 'Thizei'. Such person is fined Rs. 1,000/-.

xxv. Mathir Phungui. If anyone speaks of a dead person mockingly with malice without respecting him before his body is buried, it is known as 'Mathir phungui' in Tangkhul. The offender is fined Rs. 1,000/-.

xxvi. Tuihat (breach of agreement). After mutual agreement if any person breaches the agreement, it is called 'Tuihat'. Such offender is imposed fine accordingly.

xxvii. Shakeiyan (rules and regulations of the animals). The rules and regulations which dealt and governed about the domesticated animals are known as 'Shakeiya'.

a. The cattle should not be let loose and set freely during the cultivation time. Failing to abide the rules shall be imposed Rs. 500/-.

b. If the cattle during this season destroy crops etc. fine will be imposed accordingly.

xxviii. Seihomphung (grazing land).

a. In the cattle grazing land, no animal trap or snares are allowed. Breach of such custom is fined Rs. 500/-.

b. In case of the domestic animal is affected or killed with trap, fines are imposed accordingly.

c. Domestic animal path cannot be blocked or closed. Disobeying this rule is imposed fine of Rs. 500/

xxix. Seikahoma (cattle caretaker).

a. The cattle caretaker should not be exploited or ill-treated. If so fines are imposed to the perpetrator accordingly.

b. If any crops are destroyed by the cattle when the cattle caretaker is looking after the animal, he will be responsible of the damage and compensate accordingly.

c. But if such destruction of the crops by cattle during keeping the animal in the shed or pan, the cattle owner will be responsible for the crops damaged and he will compensate accordingly to the severity of the destruction of the crops.

xxx. Shakei (domesticated animal). Secret killing of domesticated animal or an attempt to kill or harm to them are imposed fine according to the nature and value of the animals.

i.	Buffalo/ Mithun	Rs. 100 to Rs. 800/-
ii.	Cow	Rs. 50 to Rs. 500/-
iii.	Pig	Rs. 50 to Rs. 400/-
iv.	Dog	Rs. 50 to Rs. 300/-
v.	Cat or chicken	Rs. 20 to Rs. 100/-

vi. All other animals which are not mentioned here may be fitted according to their category.

vii. If harmed to death then the offender has to replace or repay the value of the animal on top of that he has to pay certain fine to the owner of the animal.

xxxi. Seingatakthat (bullfight death).

a. When there is bullfight and causes serious injuries or even death, both the owner will share the meat and the owner of the bigger bull will pay half the amount of the value of the cattle.

b. If the cattle die due to fight and if the death happen beyond the territory of his area (dead cattle) it become his fault. So no fine is paid.

xxxii. Vanao Khalen (bird trap). If the bird trapped are

stolen, the thief is imposed fine of Rs. 150/-

xxxiii. Khuilet.

a. If the khuirei (hornet) beehives are stolen than the thief is fined with Rs. 1,000/-. In case of stolen Khuira (smaller bees) Rs. 800/- is imposed

b. Stealina of Khuileng (honey bees slightly bigger than normal honey bees) is imposed with a fine of Rs. 3,000/- and Kaha (common/normal honey bees) Rs. 500/-.

xxxiv. Meiyan (laws of fire). The laws concerning burning of fire is known as Meiyan. One cannot just lit fire in and around the village territory.

a. If anyone carelessly set fire and burned forest and jhumming cultivable land, he is imposed fine of Rs. 5,000/-.

b. If anyone set fire and the fire moves beyond their territory and affect the land, then he shall be fined between Rs. 1,000 to 5000/- and if the fire damage properties, housing materials etc. the damage has to be compensated.

c. If a person set fire and if houses are burned, the properties damaged are to be repaid in addition to that if he do it intentionally, he will be fined Rs. 50,000/- but if it happen due to accident he will be fined Rs. 5,000/-.

xxxv. Pangkat. When two or more persons fight the person who beats first is imposed fine of Rs. 1,500/-. Such is known as 'Pangkat'.

xxxvi. Pangkan. A person who does not obeys or twist the order of the Village Authority or Village Court is known as 'Pangkan'. Such things are punishable under customary laws according to the nature of the problem.

xxxvii. Wungnao Pangkat (Assualt to Village Chief). It is forbidden and a taboo to assault the village chief. In case of such things happen he is fined Rs. 5,000/-. If it is to Village Authority or Village Councilor, he is imposed Rs. 4,000/-.

xxxviii. Phungva Maiyon. Any person who assault the Tangkhul apex organization office bearers, president and judges of the apex court etc. shall be imposed fine of Rs. 7,000/-. In case of serious infliction or death, he will be punished accordingly.

xxxix. Kathiri Kasang (poisoning). If any person intentionally poisons human being or animal, it is a crime. If a man dies due to poisoning, he shall be fined Rs. 1,50,000/- and if he survived the treatment, expenditure is be borne and Rs. 50,000/- is imposed as fine. In case of animal he is fined Rs. 1,000/-

xl. Miyum (murder). If a man intentionally murder someone he shall be fined Rs. 1, 50,000/-. If he survived or escaped the life attempt, he shall be fined Rs. 10,000/-. If the offender do not pay this amount, whatever he have may be forcibly taken.

xli. Phamu Kashao (robbery).

a. While robbing, if he murder someone he is imposed fine of Rs. 1, 50,000/- and return the taken property.

b. If there is no death, he is imposed fine of Rs. 50,000/- and return the taken property.

c. Even if no physical assault happen, if he rob, he will be imposed fine of Rs. 30,000/- and return the taken property.

xlii. Mithet Kashong. Any physical infliction which causes death and paralyze is known as Mithet

Kashong. In such case Rs. 50,000/- is imposed as fine. If not death also the treatment charge is borne by the offender.

xliii. Ngashao Kathat (death due to fighting). If there is death due to fighting it is known as ngashao kathat. In such case Rs. 30,000/- is imposed. But if when the offender dies in defendant will not be penalized.

xliv. Phahao. Attempt to murder with weapon is known as 'Phahao'. A sum of Rs. 10,000/- is imposed as fine in such case.

xlv. Yarui Pangthit (Mock death).

a. The incidents are enquired and investigated and the culprits are judged accordingly for causing the mock mainly the abater.

b. If no hard evidence or witness is found, there is no penalty.

c. If such things happen in other village, the host of the victim be enquired and held responsible to some extent. If there is no hard evidence or witness also that village is penalized accordingly.

d. If any individual or clan cross his village territory and commit crime (murder), the offender will be fined accordingly and on top of it another Rs. 5,000/- to 10,000/- is imposed to the offender.

xlvi. Ngakhak Kathi (suicide). Death by suicide has no penalty.

xlvii. Lakhot (marriage)

a. Ma-kakham (engagement). Engagement for marriage took place in the girl's house and on this day the boy has to pay bride price (manho).

b. Long Ngasamnao (child out of wedlock). When man and women agreed to have physical

relationship and if a child is born out of wedlock, and if the man do not want to take her as his, he shall be fined Rs. 5,000/- and for the child expenses (naorui) Rs. 3000/- is paid. But if the women do not want him as husband, only child expenses (naorui) are to be given.

c. Khangasham. If a women who have physical relationship with many man and have a child, the last person whom she had relationship shall be responsible and the penalty is fixed same as above (b).

d. Ngala Ngasham (polygamy). The woman who is brought home first will be the first wife and enjoy some status. The second or the later wives cannot take the status and the property of the first wife.

e. Tuihat (calling of engagement). Before marriage, after engagement, if any one of the two (both man and woman) call of the engagement, he or she is fined Rs. 2,000/-

f. Lachin (divorce). Divorce after couple life is known as Lachin.

i. If the man divorced her, he will walk out empty hand.

ii. If the woman divorced him, she will walk out empty hand.

iii. Even if a man divorced her and left empty handed, the woman cannot sell off any landed properties (house, field etc.) and if the women marries another person then, she had to leave behind all the landed properties irrespective of whether she has children or not.

g. Phophat (adultery).

i) If divorce takes place due to husband's adultery

with other women he has to walk out empty hand.

ii) If divorce is due to wife's adultery with other man, she has to walk out empty handed.

iii) If a man takes away the wife of some other man, he shall be imposed fine of Rs. 25,000/-

h. Sarhom (aged wife driven away). If the husband or their relative forcefully drives away the aged wife then, S! of paddy and S! of landed properties (house and field) be given to her.

i. Shatngathan (mutual divorce). In such case:

i) The properties which brought will be taken by her.

ii) If they have daughter the man (husband) will bear the marriage expense etc.

iii) For acknowledgement in the village, the man will inform and give Rs. 100/- to the village authority.

j. Khongrum Phophat. If husband or wife due to death of anyone of them marry other woman or man before Thisam (death soul sendoff ceremony) he or she will be imposed fine of Rs. 1,000/-.

xlviii. Sham Machit (women defamation). If any man with false allegation gossip and defame women (character assassination) he will be imposed fine of Rs. 5,000/-.

xlix. Naoyum (abortion/ child homicide). If women secretly aborted a child without consulting her husband, she shall be fined Rs. 5,000/- and paid to the husband. The imposed fine shall be borne by both woman and the one who helped her in the abortion.

l. Preizei. Physical assould to woman by a man is known as 'Prezei'. In such cases a fine of Rs. 1,500/- is imposed on the man. If the assault is

serious, it is dealt accordingly depending on the nature and seriousness of the infliction.

li. Latuk (rape). When a man forcefully rapes woman it is known as 'Latuk' which is a serious crime. Rs. 25,000/- is fined to the offender. If it is an attempt to rape, he is fined Rs. 4,000/-

lii. Kashuk kala Khamasa/ Thakum (lease, mortgage. Loan). If loan are taken in cash or in kind (mostly in kind in olden days) within a year time 50% p.a. interest will be given.

liii. Shak-kham. It is the custom of the Tangkhul that when someone has taken loan without agreement and if the loaner or the loaned died before he/ she is buried, the matter is made known to the bereaved family. If loan in kind are taken and the loaned died and the loaner is out of station, upon returning he/she will inform the bereaved family about the loan. This is known as 'Shak-kham'. The amount is paid after verifying and confirming about the veracity of the claim.

liv. Maraokaza (servant). A person who is employed to look after his cattle or kept in his house without giving salary or any payment is known as 'Maraokaza'. According to Tangkhul custom it is forbidden to exploit, humiliate and disgrace such person. If anyone is found mistreating such person, he is punished accordingly.

lv. Hangva Tuikat (appeal to Village Court). Any appeal approached to the Village Court is known as Hangva Tuikat. There are nominal fees for them.

a. Hangva Langhai (Village Councilor wages). If the appealed case is beyond the village court compound to look after, like land, boundary, field etc. daily wages are given to the judges, councilors

etc. Such is known as 'Hangva Langhai'. Usually Rs. 50/- per head per day is given and another Rs. 700/- are given to Longphang (Lower Court) and Rs. 1,000/- to Longrei (Upper or Higher Court). The loser of the case will pay to the winner. They village councilor will take the money and repay to the winner of the case.

b. Hangva Shongran (Village Councilors' fine). When the order of the village court is disobeyed the village authority can impose and take properties including cattle. Such is known as 'Hangva Shongran'. In addition to the properties taken, there are also certain fines imposed. They are:

i) Rs. 500/- for the village authority and wages for the judges and village councilor.

ii) Long Karot (Apex Upper of Lower Court) Rs. 1,000/- and wages for them.

iii) Confiscated properties are rated and fixed price. If it is not redeemed in time it will be auctioned and the money thus obtained is taken by the Village Authority. Any surplus money received from the auction is returned to the offender.

lvi. Letphen (thief allegation). When innocent person is accused of stealing, it is known as 'Letphen'. In such case a fine of Rs. 1,500/- is imposed to the accuser.

lvii. Satkakharat (defamation/ character assassination). Unfounded truth intentionally planned to defame someone to be hated by other is known as 'Satkakharat'. Such cases are imposed with a fine of Rs. 1,500/-

lviii. Mitun Khangapai (fighting for genealogy). Wrongfully fighting or claiming of genealogy of other is an offence according to customary laws.

Such are imposed with a fine of Rs. 1,500/-.

lix. Shimkai-Shimzan (breaking into someone's house). A person breaking in to someone's house to steal is known as 'Shimkai-Shimzan'. A fine of Rs. 1,200/- is imposed.

lx. Kha-Khangakham (Village ward off). When there is dangerous or bad diseases, the priest perform ritual rites to ward off the diseases from the village such is called 'Kha-Khangakham'. Anyone who disobey such ritual rites is fine with Rs. 200/-.

lxi. Raikan (Village guard/vigilance). Guarding the village to prevent war and from animal is known as 'Raikan'. Those who neglect this duty and the absentees are fined accordingly.

lxii. Shimkai. For no reason breaking houses, removing boundary stone, destroying properties including forest etc. are known as 'Shimkai'. They are imposed fine of Rs. 2,500/- and should pay for the damaged properties.

lxiii. Raivao Kasang (For official information). When any person would like to inform or let know of anything officially through village authority is known as 'Raivao Kasang'. In such things Rs. 200/- is to be given to the village authority.

lxiv. Shimpan-Shimsak (housing). A person who constructed a house and when his roof rain water fall on the neighbor's boundary or house, the locality or the village has right to dismantle the house.

lxv. Khangareng (excommunication/ ostracize). When a person intentionally break the customary laws of the village and disobey the order of the village authority or any other valid reasons which deem fit to punish severely, in such case ostracize or

excommunication are applied. The ostracized or excommunicated person cannot:

A.

i) Take fire from others (villagers).

ii) No communion of food or drink.

iii) No head close up (physical intimacy).

iv) No sitting or staying in group together with that person.

v) No walking or working together.

B. Any person who disobey this rules are imposed fine of Rs. 5,000/-.

C. The excommunicated/ ostracized person if he wants to confess his misdeeds and want to remove the penalty from the society, he will pay up for the misdeeds accordingly and again pay Rs. 5,000/- to the village. Only then, his case can be considered.

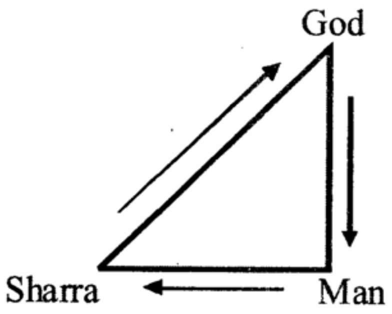
2.3. NEGATIVE CURSING LAWS (SHARRA)

In Tangkhul language, the word sharra has a very deep meaning. This means if a man does not obey the commandment of God he is bound to beg given punishment, even death such negative or forbidden laws which man should not do or things that are not in that way, such unnatural act of man, animal, birds, even surrounding environment, or in other words, forbidden things are known as sharra. Such are Gods' unapproved abnormal or unnatural things which become negative cursing laws. Sharra is also a commandment of God to man not to act in a certain particular way. This is also Gods' disliking, unaccepted and things he do not want them to do; not satisfaction and the concept of unclean things are all implied here. The word sharra includes when these forbidden things are done or exposed

physically as well as spiritually, such person will die and perish.

The main commandment of God to man was 'thou shall not speak, think and do evil'. From this forbidden commandment of God, sharra came into existence. In olden days, people feared and strictly followed sharra (negative cursing laws). For they believe that when they disobeyed, God will curse them and they will die. So it is the root of rules and regulations and customary laws of the tribal people.

When we minutely examine sharra, we can clearly see that there is vertical relationship of man and God, and horizontal relationship of sharra and man and again sharra is related with God because it is commandment of God to man.



Therefore, it is a triangular relationship of God-Man-Sharra. They are therefore interconnected. Through this commandment of God to man in the form of forbidden laws known as sharra the rest other rules and regulation and other customary laws are originated from it.

Some of the forbidden negative cursing laws are as follows.

i. Without Ameowo (God), human being does not exist.

ii. Thou shall not swear in the name of God without reason.

iii. Thou shall not comp thy hair while sleeping (this is only done to the dead body).

iv. Thou shall not go to war without abstention - from sex, food etc.

v. Thou shall not abandon or throw away death body. Dead body must be respected wherever a person dies, the corpse should be buried properly. It is said among the Tangkhuls, dishonoring dead body is dishonoring one's own body. So it is against the wisdom of God.

vi. It is forbidden to say that 'I am telling you'. This is a word only to be spoken by old man, not to be used by young man. Because this is not a humble word but arrogance and bossy statement which is not pleasing to God.

vii. Women should not bellow in and around the village compound. Such bellowing, holler, prayer etc. are part of ritual and rites which are performed by man only accept at Chumpha festival. So women should not bellow.

viii. Thou shall not return to village along with evil spirit.

ix. Women should not climb up the roof.

x. Thou shall not beat other with paddy or rice because it is the sustenance of our life. If the village king beat other with rice or rice plant, his chieftainship is removed. If the citizen does it, fine is imposed.

xi. Thou shall not throw stone to a living house

because it is a criminal act.

xii. Thou shall not throw in rice pounding stick (shuk-kui). It is a sign of curse.

xiii. It is unnatural and sharra* if lightning strikes a house. It is a sign of punishment and curse to bad people.

xiv. Dog sleeping on the roof of a house is sharra.

xv. Thou shall not sleep flatly when there is thunderstorm.

xvi. Thou shall not sleep flatly on the ground in the hot mid-day.

xvii. Thou shall not sleep facing westward.

xviii. Thou shall not step on by foot to the slaughtered animal for consumption.

xix. Thou shall not covet.

xx. Thou shall not bear false witness.

xxi. Thou shall not exalt and praise one's own child.

xxii. One shall not mock other.

xxiii. One should not speak ill of Tiger and other big animal.

xxiv. Thou shall not abet fire and water.

xxv. Thou shall not commit suicide. For the god of death will not open gate for him.

xxvi. Thou shall not abet wounded animal or trap animal.

xxvii. Thou shall not spit to other.

xxviii. Thou shall not swear by biting the stone of the lightning, weapon and Tiger tooth.

xxix. Thou shall not twist history.

xxx. One should not testify wrongfully.

xxxi. One should not erect pillar and spear upside down.

xxxii. Thou shall not assault 'Pukreila' (Pukreila are those who are married to other village. When there is war of the two villages, Pukreila act as peace maker. When she command to stop it should be stopped at once. Disobeying her order or assault to her is crime which is punishable under customary laws).

xxxiii. One should not shit in the stream or river.

xxxiv. One should not swear and promise not to marry again Pam/Muila (Pam and Muila is preferential line of marriage of kinship relationship which is to his mother's brother's daughter).

xxxv. Before mother in law give blessing to daughter-in-law, she should not enter barn (paddy storage).

xxxvi. It is forbidden for a child to erect 'meithalung' (it is three stone erected in fire place in the kitchen where cocking is done).

xxxvii. Thou shall not beat children with 'peirin' (peirin is a flattened stick used for steering in cooking).

xxxviii. It is a taboo to marry on dead moon.

xxxix. It is taboo to break wine container by kicking with foot.

xl. Thou shall not use blemish animal for important occasion.

xli. Thou shall not kill, imposed or fined pig inside the house.

xlii. Hen (female chicken) crowing or roosting is a bed omen which is sharra.

xliii. Pheasant and wild chicken resting on the roof of a house in the village is sharra.

xliv. Thou shall not send away a guest empty stomach.

xlv. Thou shall not serve a guest with only half filled

plate and wine. They should be served and fed with full plate of foods and cups filled to the brim.

xlvi. It is taboo to urinate intentionally at someone's house.

xlvii. It is taboo to eat anything which is bitten by python.

xlviii. It is taboo to tell all stories.

xlix. Dog crying is bad omen. So it is sharra.

l. It is taboo to eat mushroom from a tree of half dead and half alive.

li. Thou shall not sell chieftainship.

lii. It is taboo to quarrel or complain rain and shine.

liii. Without spilling a wine it is forbidden to name their grandparents or ancestors.

liv. It is taboo to imitate god or goddess' language and song.

lv. Thou shall not ignore widow and orphans.

lvi. It is taboo to stitch clothes while wearing.

lvii. It is taboo to play musical instruments in off seasons (off season is mainly farming time).

lviii. Thou shall not beat wooden drum in wrong timing.

lix. It is forbidden to peep in someone's barn.

lx. It is forbidden to gossip.

lxi. It is taboo to step by foot on man.

lxii. It is taboo to step over a man while sleeping or sitting by the side of women. It may bring bad luck.

lxiii. An animal trapped by woman is forbidden to eat by man.

lxiv. It is forbidden to twist songs and languages. Because it is orally recorded history.

lxv. It is taboo to divorce without reasons.

lxvi. It is taboo to sow any seeds before the priest sow after performing certain rites and ritual.

lxvii. It is taboo to slash standing paddy without reason.

lxviii. It is taboo to cut a married woman's hair.

lxix. After having sex it is taboo to go to war.

lxx. It is taboo for couple to have sex in other village.

lxxi. It is taboo for a girl to cross her leg while seating.

lxxii. It is taboo to throw away the hunted head of human being. Certain rites and ritual have to be performed in due respect and honor him.

lxxiii. It is taboo to take 'lengchengshim' (Royal House) housing material without ritual and knowing the omen of the trees.

lxxiv. Housing design and wood carving in a house shows the social strata (social hierarchy) of the people. Therefore, poor and younger son are forbidden to construct their house with the design and wood carvings of royal family or elders.

lxxv. Incest is taboo. Any person who committed such acts is forbidden to stay in the village.

lxxvi. It is taboo to reunite officially divorced couple for it brings ill luck to the villagers.

lxxvii. Deer crossing the middle of the village is bad omen so it is sharra.

lxxviii. It is taboo to eat meat that is ritually offered to deity.

lxxix. It is taboo to eat animals which has been killed or wounded by another animal.

lxxx. It is taboo to step on Meithalung (it is a three stone erected in the kitchen fire place for cooking).

lxxxi. Royal families (Wungnao) are forbidden to tell lies.

lxxxii. It is taboo to eat rotten things.

lxxxiii. It is forbidden to eat carnivorous animal like tiger, cat, fox, snake, etc. as they prey alive their blood are not pure morally.

lxxxiv. It is taboo to step on rice (cooked).

lxxxv. Thou shall not lie.

lxxxvi. Thou shall not steal.

lxxxvii. Thou shall not kill Hunlock for it is the dog of heaven.

lxxxviii. It is taboo to trap bird during nesting or reproduction season.

lxxxix. It is taboo to kill animal when they are mating.

xc. It is forbidden to spear animal when they are sleeping.

xci. Peeping at neighbor's house quarrelling follows him; the same in his house.

xcii. Thou shall not call blind a blind for it hurt him.

xciii. It is taboo to cut the relationship of the relative. For the blood of man does not end with the case and judgment of human being. For it is the divine creation of God.

xciv. It is taboo to give wrong direction or misguide people in the crossroad.

xcv. It is taboo to reject people who ask for fire and water.

xcvi. It is taboo to ask fire from other by the village king.

xcvii. Thou shall not block river or footpath.

xcviii. It is taboo to urinate on the whetstone.

xcix. It is taboo to kill cat.

c. Thou shall not slice bird or animal before completely dead.

ci. Thou shall not divorce and drive away an old woman.

cii. It is taboo to assault king.

ciii. It is taboo to set the house afire.

civ. It is forbidden to sell ancestral land and homestead.

cv. It is taboo to go for work when there is death in the village.

cvi. It is taboo to cross, the propitiated leaves of the ritual.

cvii. Thou shall not eat the new harvest before it is given to God.

cviii. Thou shall not abet man and animal for fight.

cix. It is taboo to have sex when women is having monthly course.

cx. Thou shall not eat first before prayer.

cxi. Thou shall not christen (naming) a dead man.

cxii. Thou shall not curse other.

cxiii. It is taboo to cut the weaving loom of women by men.

cxiv. It is bad omen for girl to be bitten by rat in the leg in the women dormitory.

cxv. It is taboo to eat the meat of the broken pot when cooking it.

cxvi. It is taboo to break the weapon of her husband.

cxvii. It is taboo to block the brook.

cxviii. It is taboo to point finger to rainbow.

cxix. It is taboo to take housing materials from the tree which has been hit by lightning.

cxx. Thou shall not murder.

cxxi. Thou shall not rape and kill.

cxxii. It is taboo to have sex with dead body.

cxxiii. It is taboo to cut relation to your mother.

cxxiv. It is forbidden to put trap for animal before egg and bamboo divination.

cxxv. It is forbidden to enter village court by carrying baby.

cxxvi. Thou shall not kill brothers. The sin is endless.

cxxvii. It is taboo to slice ginger for it goes flat of song and word.

cxxviii. It is taboo to burn clothes in the field.

cxxix. The newly married woman, when she enters her husband's house for the first time she should step on the egg and animal blood if not it is sharra.

cxxx. It is taboo for a man to behave like women and vice versa.

cxxxi. It is taboo to abandon a child.

cxxxii. It is taboo to sell children.

cxxxiii. Eagle sitting in the Y. Post (Totem Post) is a bad omen.

cxxxiv. To ward off evil posses suffering, it is taboo to use spotted chicken to evoke to the deity.

cxxxv. It is taboo to burry dead body straight away in the grave. Before burial, a burning fire is moved around the grave to drive away any living soul there. So that they are not buried alive along with the dead body.

cxxxvi. A Tiger killed animal, it is a bad omen to start eating from the head. Human being for their consumption of animal it is taboo to eat head first.

cxxxvii. When a guest have a nightmare while sleeping it is a bad sign for the host.

cxxxviii. It is taboo to kill domesticated animal for being eaten their crops.

cxxxix. As soon as one dies, it is taboo not to place a chicken on the dead body. For it cannot reach the land of the dead if not done so.

cxl. It is bad sign if cat or dog shit and urinate in a place for drying clothes.

cxli. For being wealthy and rich it is taboo to compete with Ameowo (God). It brings poor to death.

cxlii. It is taboo to sleep and block the way. Ameowo will take away from the world.

cxliii. Before the village chief has done some ritual rites and harvests it is taboo to harvest first by the villagers.

cxliv. After coronation of village chief and announce to the public it is taboo to assault him for God will cursed them.

cxlv. It is a bad omen to dream rainbow, if so blood flows the next day.

cxlvi. Thou shall not mistreat old man and woman.

cxlvii. When their daughters are married off to other village, the first born child should be brought home. On such first time it is taboo not to kill animal (spill blood).

cxlviii. After marring off their daughter, on the first day of his visit it is taboo not to give knife to him.

cxlix. For both men and women it is taboo to show each other their naked body for no reason.

cl. It is taboo to shit and urinate in front of others.

cli. It is taboo for couples to curse each other.

clii. It is taboo to use stolen pillar in their house construction.

2.4. CEREMONIAL RITES (SHAR PAHOR)

Ceremonial rites are the root of customary laws. These customary laws are made of the philosophy and Ideology of ceremonial rites and ritual. Rites and ceremonies are integral part of human society. These are sets of behavior which has been established and followed from traditional time onward. These are behavior and methods which reflect the individual awareness towards society and religion. Every religion involves ritual but every ritual does not have religious aspects. Rites, ritual and ceremonies adjust and maintain the life of human being of individual; society and religion. Some of the rites, ritual and ceremonies are:

1. <u>Ramphat</u> (New Village Settlement)

In the new village settlement, certain necessary rites are performed. The most important omen and divination that they must perform and know for village settlement are: bird and rice omenation and chicken leg divination. After receiving favorable good result, they will locate a particular place and a small tree is cut down and smeared the blood of animal or chicken and certain rites are performed and lit a fire. After propitiation and marking the boundary of the village, arrows are shot in the trees at different directions to marked boundary. This will be followed by making of spring well with complete rites and ritual (shar pahor). After this another omenation is tested i.e. cutting one hundred pieces of meat and one hundred pieces of ginger. They will be stitched in the form of garland and hung on tree. In the morning the pieces of meat and ginger will be counted, and if any one of those pieces of meat and ginger are missing, it is a

sign of bad omen which means, the place is rejected by their deity-. In such way, new village settlements were chosen with complete rites and rituals (shar pahor).

2. Kumhao shar pahor (New Year/ beginning year rites and rituals)

Some of the main rites and rituals in the beginning of the year are:

a. Harshangli mei ropkakhui (making new fire)
b. Mangla hokasang shar pahor (calling-in the soul)
c. Ram kazang/ luiphat (seeking a location for jhum cultivation)

3. Mangla hokasang sharpahor (calling-in the soul rites and rituals)

It is mandatory for every household to have this soul calling-in rites and ritual in a year. This is mostly done at the beginning of the year. They believed that sometimes the living soul goes out form the body and if not called him in the person may die. The words of this invocation rite go like this "hei unglu, unglo mangla kachiva, kong makanda unglo, kaphung makanda unglo, salui railui zangsharra, raiphali zangsharra, kakrukhon sasharra. Hei kabongthing thada timrano, kaha kapei thada peirano, lunghar thada makanglo, chungmei zafara chungmei mangfara, kongranao kathak thada unglo, sangmei okthuifara." (English translation: "Hey come, come all the soul, come crossing the rivers, come crossing the mountains, thou shall not enter dangerous zone of war and animal, thou shall not be in the war sacrificial alter, thou shall not hear the sound of death. Hey may you sprout like kabong (local name of a tree) trees, may the members be complete like honey bees, may you be as strong as the stone, we shall eat and drink more. Come as swift as river. We shall live longer.")

Holding the full plate of manuizat (sticky rice) and meat it is invoked and by counting five hundred souls for women and six hundred souls for man, this shar pohor is performed. It is believed that calling in counting five times to women and six times to man makes the soul return.

4. Shimshak (housing)

There are rites and rituals to be performed in construction of new house.

a. Firstly, the plots are chosen after which sam majut (rice omenation), meithalung (stone omenation), etc. are performed.

b. The housing materials to be used for construction are scrutinized through different rites. The trees before it is taken for main housing material, some wine are sprinkled on the lower part of the trunk and a piece of bark are taken by and axe. The bark is taken home and placed under head rest (pillow) and see the omen in dream.

c. After completing the construction, for purification of it, a split bamboo of about $1^1/_2$ foot long which is nicely smoothened is sharp on the roof of the house and a chicken is hanged alive from it. Down the floor a dog is dragged around the house and the blood of the dog is smeared all over the pillar and wall of the house. After such purification, meithalung is erected with proper rites and ritual.

d. Tangkhul housing has a status. Only royal family elders and a person who is qualified (who can throw feast of merit) can construct a grand house with significant wood carving on it. Any person cannot just construct like that as he want. There is a common house design for elders, younger's,

royal families, and so on. When a house is constructed, it is mandatory for all the villagers to involve and help it.

5. Tarung kashung (erection of Totem post)

Erection of Tarung or Totem post has social and religious connotation. In the social front, it is a matter of pride and status for a man who can throw series of feast, incur huge expenditure reach to such status to erect a totem post. Secondly, it has a religious meaning also. The totem post or Y post is considered as sacred and holy. It becomes a part of their deity.

a. The trees selected for the post has to be ritually sanctified.
b. The Tarung thing (post) is dragged by the entire male villager. Before the totem post is taken home, the owner of the house offer wine and meat and performs some rites and will request it to come home and stay together as a family. It is manifestation of that post to be something holy and pure.
c. Tarung posts are usually erected six in number and for each Tarung at least one buffalo is to be killed.
d. It is taboo to ride or sit on Tarung.
e. Until the Tarung reached home the wife of the owner observes abstention of food.

6. Maran kasa (Feast of Merit)

This is mainly social significance seeking social status and showing generosity to the people. This is done by rich and wealthy person. In some case, it is a kind of competition of the rich. But this are done along with the knowledge and concern of the village authority. The royal families also usually do this feast. After performing three

times of feast of merit, the grand (ranrei) feast of merit is performed.

7. Luivat (farming)

For the sustenance of of physical life, food is needed. In the traditional life agriculture farming was the only occupation they had. So throughout their life they were busy in farming one way or the other. Therefore farming ritual and rites are the maximum shar pahor in their lives. Some of the main agriculture farming rites and rituals are:

a. Luikathui: Luikathui is a ritual performed by the village chief and his wife. This is done during Luira phanit (seed sowing festival) on the fixed day before anyone else has sown any seed. The royal couple after making their deity at home goes to the field and in one particular portion of the field after invoking Phunghui Kameo (the god of wealth) smears the blood of chicken and sow the paddy. This is known as 'mamachi khamashao'. Before this it is taboo for the villager to sow seeds of any kind. All the villagers observed luikathui ritual day by refraining from doing any major work.

b. Lui shomkhamashar: Like luikathui when the rice plantation season comes, the couple of the village chief on the fixed day goes to their house and after series of rites and ritual performed to god of wealth (Phunghui Kameo) and the couple takes a handful of nursery paddy and plants them in already arranged area. Before this no one is allowed to plant paddy. Because of this custom and practices they are heavily punished. On this day too, villagers observe it by refraining from

doing any work. After which all the villagers can start planting paddy.

c. Mawonzai: Mawonzai is one of the most important ceremonial rituals. They thank the god of wealth for protecting their crops offering the first crops to their deity. It is of two types. The first is known as Zaira which is meant for millet and other similar crops performed in August and September. And the second one is known as Zairei. This is for paddy and is performed in the month of October. The first ripened crops are nicely cooked and offered to their deity saying 'Ameowo (Almighty God) come and dine and let the Zaira/ Zairei be a bountiful one through your protection and blessing." Both of them are observed for two days each and the exact day is fixed by the village authority seeing the condition of the crops. Here no priest is required for performing the ritual each family household performed it. Among the two Zairei which is meant for paddy is more important apart from performing the ritual in their own paddy field, a special common altar in the village is made. Each and every villager will bring the food offered to their deity Phunghui Kameo (god of wealth). His ritual is observed strictly. No major work is done in such days.

d. Dharshat: Dharshat is a family affairs ritual ceremony. When the crops are ripen, each family brings home and a chicken or a pig is slaughtered and after simple Dharshat ritual the family feast follows. This is a ceremony of eating a new paddy of the year. It is believed among the Tangkhul that no food on such day be part to other because the prosperities of the family goes to other. No specific

date for the whole village is fixed. It is more of a casual rite.

e. Makahat (Harvest): When the paddy are ripened, the Nagas particularly the Tangkhul do not just go for harvest, they have to perform various rituals right from the day of fixing for starting harvesting. There is no common fix day for the whole village but each family decides according to the condition of their crop. When the date is fixed the owner of the field goes to the field and propitiate to the deity. On the eve of the fixed harvest day the family starts observing by performing rituals. On this whole night no sound is allowed to make for they believe that making noise or sound will frighten away the prosperity of the family. This ritual is performed addressing to Phunghui Kameo (god of wealth). The next day early morning before others goes to field the couple will go to their field and offer rice beer and meat to the deity and harvest a little portion. On this day it is a genna for other to enter in their house. To indicate that they are in the harvest ritual, they will flag green branches and twig in front of the house. When the process of the harvest is over the wife of the owner will firstly fill her basket full of paddy and carry home and put first in the granary saying that "may it be bountiful." Before her no other person can fill their basket or put first I the granary.

8. Ngala kakhui/Rasa Kasa (marriage)

Marriage or getting married is an avoidable part of life. This is one of the oldest practices of human being. As this is the foundation and beginning of life, ceremonial rites and rituals are performed strictly. Various omentations and divination through, harkho khayang

(chicken leg movement divination), kapa khayang (Bamboo split behavior divination) etc. are observed. Only after the result is favorable the marriage proposal and marriage ceremony took place. Some of the important things of marriage related are:

i. There is usually matchmaker to go between the boy and the girl before engagement. In the engagement she is given a shawl.

ii. On the day of engagement half the amount of the bride price (manho) is given. Any other person accepts his engaged man if they have physical relation it is taken as adultery.

iii. On the day of wedding, the bride will carry rice and meat in a basket and enter in the bridegroom's house by stepping. On the spot the mother-in-law by relieving the basket and they eat together. Usually the newly wedded couple will eat first.

iv. When the bride and her relatives arrived in the bridegroom residence the priest will cut the neck of a chicken and the blood is smeared in the forehead of the bride.

v. For precaution in case of following evil spirit with them. It is purified by sprinkling the blood of dog on the banana leave and the bride is to step on the blood which is on the leave and allowed to enter in the new home.

vi. For the pure and undoubted women she entered by breaking and stamping on the egg.

vii. For the royal and status women (Achonva) they came by hoing (a sound produces by the group in mouth with unified and synchronize high and low pitch) till the bridegroom's residence. Ordinary family girl cannot do hoing in the open ground,

or throughout the journey.

viii. Usually Achon and Amei prefer to get married. (Royal family or elder family). Vohong and Vahongnao (younger or lower social strata). If Achon married Vahongnao than the title Achon is lost. But if Vahongnao married Amei Vahong became Achonva married to married to vahongnao the son do not bear Amei title.

9. Shanvai Chonvai (Traditional Costume)

For the Tangkhul each and persons has different costume or dress code according to the social status of Amei (title of male elders or royal family) Achon (female elders or royal family), Vahongnao (poor or younger in social strata), Wungnao (chieftain) and of different sex.

a. Rich and wealthy wear phangyai sarong.
b. Royal or king wear chonkham shawl.
c. Great warrior or a man who complete performed feast of merit wear Raivat shawl.
d. Warrior who took head (in head hunting) wear, the hair of the victim ,the skull, head gear and by holding spear they display in the dance (Khamahon).
e. Amei Kharar (eldest of higher social strata) wear seven strip stretched Luirim shawl.
f. Men wear Haora shawl, women wear Chonkhom shawl.
g. Khuilang shawl is for AchonKharar (woman, eldest of higher social strata).
h. Great warrior wear head gear.
i. If anyone disobey or breach the dress code. It is punished under customary law.

10. Kaphani (Propitiation genna)

It is a ritual prayer day to Ameowa by village community invoking the clemency and compassion especially for those unnatural deaths like killed by tiger or other animal, by fire, or drowned in river etc. Such are consider as unfortunate, unnatural kind of a curse which is a shame. Therefore the entire villager fixed a day usually in the beginning of the year pray in unison with rites and ritual asking god not to happen again in the village. Anyone who breaches rites and ritual on such day is punished.

11. Khana Kasa (Ear piercing)

Khana Kasa (ear piercing) ceremony is done during chumpha festival. It is believed that a person who does not pierce their ear after death Kokto (the ruler of the land of death) will not accept them. So it became a mandatory for everyone man or woman to pierce their ear usually at the age of 5 to 6 years. In such occasion a well to do family kill buffalo for their children ear piercing ceremony. The poor man may just kill a chicken. Only Sharva (priest) can perform the ritual of Khana Kasa. All the children are pierced in a day.

2.5. OMEN AND DIVINATION

Before the advent of Christianity in Tangkhul they believe in Omen and Superstition. Not a single day is passed without seeing or depending on such omen or divination. Whatever they want to do from small things to major one and from farming to war their entire lives activities they try to foresee through omen. Dream is interpreted and unfamiliar dream are referred to elders or shamans for interpretation. Therefore this foretells through various omens, divinations and superstition plays an important role in their daily life. Some of the important omen and divination they practices are as follows.

i. Harra Khayang (behaviour of an egg omenation).

This is seeing omenation through the behavior of the egg. The process is simple, which is mainly use in farming related issue; usually it is done on new moon day. A pile of burning husk, on top of it an egg in which top side which is carefully breaks open is heated. Then, the priest will observe the substance is pouring out towards North, South etc. That direction is good for choosing jhuming cultivation in that year; that is for choosing side of Jhum cultivation. Egg divination is also done for other purpose. If the heated substances in the egg is move up and slowly down again it signifies a good omen like victor in war good harvest etc. But if it pours away the substance completely in a side it is consider as bad omen. In case of the omenation forecast of the sharva turned out to be opposite the sharva himself withdrew from his priesthood.

ii. Harkho khayang (Observance of the movements of chicken legs)

A live chicken is hold tight in the neck and strangulated to death. In the process the chicken legs will be moving all around at last when it dies if the right leg crosses over the left side, it is consider as good omen and the opposite is a sign of bad omen. This is how then; interpret the omen through the movement of the chicken.

iii. Chaklen khangana (listening to tailor bird's chirp)

As the traditional Tangkhul believes in superstitions, they observe and even listen to the sound and chirps of the birds. Here, one of the believe in omen system is about listening the chirps of tailor bird. It is a small brownie bird with long leg and long tail with bright eyes which is found all over Tangkhul countryside in a shrubby and grassy area. When undertaking journey for work or

other purpose, if the chirping of this particular birds is on the right side or above the road with melodious voice unceasing, singing, it is a good sign. But if the chirping is down the road and if the chirp of the bird is not continuous and something like chit ... chit... etc. it is consider as bad omen.

iv. Khongtheng kahei (Hydromancy)

Khongtheng means wooden basin, kahei is a process of invocation to Ameowo (god). This is a method of divination the future by peering into the water. It is said that it is possible to see dead relative or friends can be seen on water surface. A khanong (Medium) is engaged for this matter he will fill the wooden basin, and he spoke some hush word which is inaudible to us. Then the basin is place in an elevated ground which is to be surrounded by the relative. In the process everyone should keep silence and should not move around. It is said that the death relative appear in the water surface showing their life condition in the land of death sad, happy, carrying, laughing etc. such was believes and practice in those days.

v. Harva khamakhon (coursed of the individuals given to the Rooster)

This was a ritualistic practice of the Tangkhul. Usually this is practice after completion of ceremonial high order like, feast of merit, erection of totem post, or dragging and erection of stone etc. at the end of the program. A Roaster is set free by attaching a small brass metal bell and earring fixed on the ear of the rooster. Before releasing in a jungle a rooster is cursed by transferring all curses of enemies to be borne by it on behalf of his master. sometimes it is also done when the father is angry and cursed his son of various reasons like running away with a girls or a boy without performing traditional

marriage etc. but when the father is subsided wanted to withdrew the curse, it is transfer to the rooster and released in the jungle.

vi. Makho kazang

Makho refers to a place where the sharva (Priest) performs the omentation rituals. It is not a name of a place. It is nickname Makho. It is only perform by village chief through his sharva. This omenation is done to see forth coming year. So that the villager can plan accordingly. After the village chief advice the sharva to perform it. The sharva will take along with him a pot (hampai) a jar of rice bear, a new shawl, a handful of rice and a chicken etc. And went to a place (Makho) It is well set with stone railing on all side and a hole is there in the middle where the sharva buried omenation materials. On reaching the place the priest make fire and cock the chicken and rice nicely. The entrails are offered to be deity. After eating satisfactorily with due propitiation to the deity, the priest will clean the pot properly and cover it with the reed and buried it in the hole along with new shawl. Before he left he checked that the hole is nicely cover and he market it.

The next day the priest will come and propitiate the deity after which he will open the hole and take out the buried materials and checked them properly and omented (enterpreted) according to the condition he found e.g. if the pot is damp it means rainy year, if dry, dry year, if paddy hush are found, bountiful harvest is expected. The priest than examine the shawl if found insect it will be abound of animal and insect. If nothing or no sign is found it is taken that, in that year god is not favoring them. This result is informed to the village chief and the chief informed it to the villagers.

vii. <u>Vava khagana</u>:

Vava (Local name) is a bird which is bigger than cheklen bird and Vava is also other bird which Tangkhul observe its sound and interpret good or bad omen. If the sound comes from both side of the road deuting over other or answering one another, without much break than it is consider as good omen.But if the sound come from one side and not answering other then the omen is consider as bad.

viii. <u>Paikhao khangana</u>

Paikhao (Local name) is a migratory bird which visit during warm season. It is also known for making varying sounds. It sound something like "Kaotaringkak kaoraringkaka" it is consider as good, but if it sound something like Kheo, Kheo etc. it is consider as curse and a bad omen.

ix. <u>Sarva Namkashat.</u>

Sarva (local name) is a bird. It is a samll green parrot like a long tail bird. namkashat refer to meeting a flight. It is believed that this sarva meeting a flight, from the opposite side is considered as bad. It means that it may quarel or fight.

x. <u>Chihai Khangana</u>

Chihai is nocturnal insect; it is a family of criket traditional Tangkhul is very fond of listening to this insect for auguration purpose. It is believed that it is very accurate of its omenation. This insect sounds something like jit, jit, jit....... if the sound come and approach from the front and comes closer it is consider as good. But if the sound seems to be further away or abruptly stops then it is considered as bad.

xi. Tongtila khangapui (Flock of Dragonfly)

It is natural and common sight that dragonfly in a flock in autumn i.e. during August, September, October. But if it flock in odd time like April, May etc. it is consider as bad omen. It is believe that war or fire may occur. The direction of the flight is well mark for it is also believes that, war or fire will come from that direction.

xii. Sa kha kakan (animal crossing the village)

It is usual and normal that animal lives in forest away from village settlement. But if wild animal like, deer, tiger, wild boar etc. crosses over though the village settlement, it is consider as unnatural and bad omen, believing that war or fire may occur in the village.

xiii. Kapa Khayang (Behavior of bamboo's splinter).

Bamboo divination, omen was very common for the traditional Tangkhul. For this no sharva is needed every male member can perform and read the omenation of it, most of the journey occasion such as hunting, travel, marriage, engagement, war ,naming ceremony of a child, farming etc. before such activities took place kapa khayang was done, by seeing the bamboo splitters behavior, and the omen is interpreted.

There is a special bamboo for this. After good sign of different birds sound augurations, one goes off to take the bamboo.It is taboo for women to touch it. It is believed that if women touched them the omen will not be reveal accurately.

A split of bamboo about 4 to 5mm broad and 1 to 2 mm thick is used for such divination. The process is simple after selecting a particular piece, invocation to the duty is done to reveal the truth. Then with a knife or spear in the middle portion of the bamboo is scratched and outline it. And then both the end side of the bamboo

is hold tight by left-hand on one side and right hand on the other hand, and then it will be pulls the bamboo to break into two, at the scratch point. After breaking it the bristles of the bamboo of both the end are examine minutely. If the right hand has longer bristles, it is consider as good. But if the bristles, of the left hand side is longer it is bad sign.

And if the bristles, of both end and either end has broken ends without bristle the omen is consider very bad. For the ordinary occasion like hunting etc. without much ritual and offering to the diety also it can proceed bamboo divination. But for serious matter, like going for war, a complete rites and ritual is needed before bamboo divination. For such occasion it is done at Rihai alter. The sharva after selecting bamboo he will take a spotless color chicken, mostly white. He then will sprinkled chicken blood at the Rihai, he would also poured a little wine and rice beer at the Rihai alter and pieces of every parts of the chicken are offered to the deity at the altar. And after murmuring in inaudible words spoken than, he would say to the Ameowo (god) something like this: 'Oh Ameowo,thou holds death or life. Some people have wronged us.5/6 (any no that is applicable to them) lives are lost, we must revenge the crime, on the fifth day from now we will attack the village. Tell us accurately will we be victorious or not, indicate clearly". After saying this words he will pulls the bamboo and interpret it accordingly.

2.6. MARRIAGE

Marriage is unavoidable part of our life. The Tangkhul follow patriarchal system as such, for betrothal usually it is the male side, which initiates the engagement. The lover boy either directly talk to the parent or relatives of

the girls family or he let his friends or relative let know the desire for betrothal. If there is positive sign from the girls side, the priest or the father do some divination to obtain a sign of prediction for the future events. The two most important divinations they practice for such occasion was

i. Kapa khayang (Bamboo splitter behavior observation) and,
ii. Harkho khayang (Observation of the chicken leg movement).

After all this divination is positive and after both side agreed for the marriage proposal, then they fixed a day for engagement. On the day of engagement the marriage price (pride price) which is call "**Manho**" is also settled and usually half of the amount is paid on this day. And they openly disused and declared the landed properties or movable properties of the share of the son.

After that a particular date is fixed for the marriage. Broadly speaking there is two type of marriage among the Tangkhuls. The ritual and procedures are the same but the differences lies in mode of ornamental adornment of the bride, mode of escorting the pride to the grooms place, mode of feast and animal killed for consumption. Usually " Amei-Achon" (higher strata in the society) and Royal family have grand and complete costume wedding. The two type of marriage are.

i. Kharak shakzat

It is mostly done by rich and wealthy family or Amei-Achon or Royal family. Here the pride price (Manhó) is very high. The pride is adorned with complete set of ornaments and costumes. Like Zeithing (scepter) Kongsang (necklace Huishon (brass ornament hanging down from head) Khormasim (ornament worn around

the waist) etc. After the marriage ceremony when the pride is escorted to the pride grooms residence all the villagers will escort with khamahon (it is a kind of song without words ,which is not permitted to do in ordinary people's wedding). Lots of buffalo ,pigs etc. are killed for the marriage and all the villagers and invitees feast on such day.

ii. Vahong shakzat

Such marriage are mostly done by poor or a social status in the lower level like Achui-Ayai and Achei etc.Here the adornment of ornaments and dress are less show off. Only cow and pig are slaughter for the feast, and when the bride is escorded to the groom's residence khamahon is not allowed, otherwise the rest are more or less the same.

Apart from this, there is another type of marriage this is the outcome of elopement. As both have gone without the consent of the parent, a feast call Vasum is initiated and fixed the day, usually the groom bears all the expenditure and the feast is held at the pride residence. This is a kind of officially declaration and recognition of husband and wife by the family members and the villagers.

2.6.1. Preferential form of marriage

God created human being, man and women so that they live together, to procreate and continues generations. God also make man and women to be united as one to have marital bliss and create happy family and relatives. Therefore choosing partner for the rest of their life is not that easy. Each and every community has therefore exercise and has marital preference. Tangkhul too have its preferential forms of marriage. They are

(1) Cross-Cousin Marriage

Matrilateral cross cousin marriage is the most preferential way of marriage i.e. One's mother's brother's daughter. In Tangkhul it is call "**Pam** or **Muila**". But one cannot marry One's father's sister's daughter. The reason for such preference is that, it does not want to distance the relationship or blood lineage of the family.

(2) Status Endogamy

The Tangkhul are very conscious of division of social status based on hereditary. It is mainly divided into three social strata in pyramid form the topmost and the highest social status is 'Amei-Achon' and the lower next is Achui-Ayai, and the lowest is Achei. It is nature of human being for desire of having or marrying higher status. So they want to marry off their daughter to Amei or royal family, and Amei-Achon would like to marry of their own strata not to lesser one. Thus there is status Endogamy among the Tangkhuls.

(3) Village or Tribe Endogamy

The Tangkhul prefer village or Tribe Endogamy this is because, during ups and downs of their life, helping hands are more easily available. And living closely can maintain more intimate relationship in their life. Thus they prefer Tribe or village endogamy.

2.6.2. Restriction on selection of mate

When Tangkhul want to maintain blood relation lineage in their marriage, they are very strict in restriction of marriage in blood lineage which is in wrong way such are:

(1) Children of same clan cannot inter into marriage. Parallel cousin's marriage is taboo; such marriage is known as **'Shokhala'.** Such are immediately

expelled and chased away from the village.

(2) Children from the same phratry cannot inter into marriage. Because, it is expansion of the same clan. So it is also Sokhala.

(3) A girl cannot marry her mother's brother's son. The mother after her marriage become 'Yorla' to her. So Yorla's doughter cannot marry "Varei's son. Such is called "Vakhalat", which is also taboo.

(4) Children of parallel cousin sisters cannot inter into wedlock as the mothers were from same clan. Such is called "Chinaorar Kashar". But in such cases after a gap of three generation, marriage is permitted.

Sororate and Levirate exist among the Tangkhul. Sororate is the one who marries the sister of his wife after her death. And levirate is a man marries the wife of his brother after the husband's death.

(A.) DIVORCE AND SEPARATION.

Divorce and separation is very rare among the Tangkhul, but it do happen sometime. When sanctity of marriage is violates and matrimonial rules of husband and wives are broken the other party may seek for divorce. When the divorce proceeding is sought by the husband, he should leave the house leaving all the movable and immovable properties to wife except the spear, Dao, shield, the tools of male. And if the dissolution of the partnership is sought by the wife, she shall leave everything behind except zeithing (scepter) and Tanshop (bamboo basket)

If husband or wife seeks divorce from official order from the village council (decree), than it should have valid reasons with sufficient witness and proofs etc. if necessary.

(a) DIVORCE DECREE SOUGHT BY HUSBAND.

If the divorce decree sought by the husband in the village council, some of the following points charges should be proved to the satisfactory of the village council.

I. If she commit adultery.

II. If she is unfaithful.

III. If she commit habitual thief.

IV. If she is alleged to have posses and accompanied evil spirit.

V. If she is unreasonably quarrelsome and do not want to reconcile with the family members.

VI. If she became unsound mind lunatic. (in this case if she is separated also the husband has to look after her welfare, so it is not exactly divorce)

If some of the above charges are proven then she has to live the husband house empty handed except, zeithing, tanshop and Khanta (fishing net).

(b) DIVORCE DECREE SOUGHT BY THE WIFE.

I. If he commit adultery, fornication.

II. If he mal-treats her.

III. If he torture her physically and mentally.

IV. If the husband act reckless, irresponsible and selling of all the movable and immovable properties reducing the family into unmanageable condition.

V. If he is habitual of thief.

VI. If he become insane or mad which cannot live together?

VII. If he commit rape, which cause disorder in the family socially and economically.

VIII. If the husband allege character assassination like, the wife to be posses evil spirit (phum-rai)

when she is not.

If such charges are proven and justified, there can be divorce and if so, the wife is entitled to maintenance by sharing landed properties till she alive. But after her death the properties are returned back to the husband or its family.

(B) ADOPTION.

Adoption is rare in Tangkhul Community, but it does practice sometime. It is a total change of persons from the original parentage to a new one which include, change of parentage title, clan sometime village and even community etc. A child who is adopted is call "Ruikakhui nao" and the parent are known as "Ruikakhui ava-va" Tangkhul custom allowed adoption, but it has to fulfill certain condition to be legitimate before society and customary laws.

Adoption is mainly done when the parents do not have any child, or when the child does not have parents due to death or abandoned etc. Adoption may not be necessary of the same relatives. Sometime other community child is also adopted. In case of male child adoption, when fulfilling all the customary laws he can even inherit movable and immovable properties. But as per custom female cannot inherit whether adopted or not she cannot mainly inherit landed property.

In adoption of a male child permission or consent of the nearest relative (heir) of the adoptive family members is obtained. So that he is recognized as their family members and also not to have any problem to inherits his properties including immovable landed properties.

If the adopted son is from other village a general declaration known as "Raivao" is made by the adopted father through the village council by paying one pot of

rice beer, than the Village Councilor through village chief will announced to the public that now onward that child is a member of the village and no one is allowed to call him "Mikhamang" (Stranger/foreigner). If such allegation or defamation is made He or she is heavily fine with sizable pig and small pieces of meat is distributed to every household. The adopted son or daughter must also strictly follow customary laws. Since he or she is adopted and change their clan they cannot marry the adopted parent's clan it will amounts to incest. An incest child stands lowest status in the society. And incest are banish from the village for live.

Similar to child adoption, clan membership or clan adoption can also be done this is known as "SHANGZAN". Shangzan is very common in Tangkhul. Most of the village would not like to add another clan in their village because it means more members of Village Councilor, because councilors are represented from different clan in the village etc. And without taking "shangzan" one cannot take citizenship in a village. And without taking citizenship one family cannot live long there. Therefore shangzan (adoption of clan) became necessary if he want to live in that village. After a particular clan gives acceptance, they will have to inform the chief and when the village chief accepts it. The clan will have a feast and a buffalo or cow will be slaughter and a piece of meat is distributed to each household. This meat is known as "Shangzan sa". From that day onward he becomes a bonafide citizen and clan of that village. If any person calls him "Khamang" (refuge or outsider) that person is fined heavily according to customary laws. Its membership were announced and known to others.

(C) INCEST

Incest is peoples, marrying or sexual relation between people who are too closely related to marry each other.

Such unapproved marriage or taboo is known as "Sokhala".

i. Zarpâ shokhala : Marrying brother and sister of the same parents or marrying from the same clan is call Zarpâ Shokhala (incest)

ii. Vânaoni Shokhala : Marrying father and daughter or daughter like blood related is known as Vânaoni shokhala.

iii. Vanaoni shokhala : Marrying mother and son or son like closely blood related relatives is known as Vanoni shokhala.

iv. Wonaoni shokhala : Father and daughter in law lives as couple is call Wonaoni shokhala.

v. Varani Shokhala : Marrying mother or mother like blood related relatives is known as Varani Shokhala.

vi. Chinaora shokhala: Marrying the daughters of the same parents children or in other words children parallel cousin sisters wedlock is call Chinaora shokhala

vii. Rihani : Wed lock of mother in law and son in law and daughter in law and father in law are taken by the Tangkhul as disgusting and abruptly rejected by all.

Among the incest (Shokhala) Vakhalat and Chinaora is tolerated to some point. They can enter into wedlock after a gap of three generation (which was earlier a gap of seven generation). But the real Shokhala (marrying the same family member or clan) cannot be tolerated at any cost. They are banished from the village once and for all.

The conditions imposed to the incest are

i. They are driven away from the village for life.

ii. They are not allowed to involve in village polity.
iii. They are ex-communicated from village activities
iv. As they are banished from village, their record genecology from that day onward is strike off.
v. They cannot perform any rites and rituals.
vi. There is saying that incest people may become rich and prosper but within no time they extinct like a fire.
vii. Incest children can hardly be a normal.
viii. Incest children and grandchildren "NEIYA" it means un-lucky.
ix. It is taboo to take movable immovable properties from the incest for it brings ill luck.

2.7. INHERITANCE AND SUCCESSION

Inheritance and succession relates to the properties of a family. The properties of a Tangkhul mainly consist of both moveable and immovable possessions. The immovable properties include land and other superstructure such as Memorial stone and other monolith etc. The movable properties include like costume, ornaments like earring, Kachao (bracelets) for both male and female mostly made of brass. Har (armlets made of lead) Huishon (a ring like chain hang from head till knee with bell at both end) wear as ornaments by women. Kongsang (Necklace made of shells and beads) Zeithing (Sculptor made of steel used by women) valuable beads and shells weapons in different shape and size, guns etc. Apart from this other movable properties like buffalo, mithun, cow, and other domesticated animals. These properties are some of the properties which are inheritance and pass on from generation to generation.

The Tangkhul have social strata. Classification of society based on birth of elders and younger etc. This

same clan but classification of status based on elders and younger are apply in a family also. The eldest male and female are call Amei-Achon. The middle strata are known as Achui-Ayai and the youngest is called Achei. The social strata and family strata is one of the main criteria for inheritance, succession and division of parent properties. Usually the best and the biggest go to the eldest (Amei) and the second best to the Achui-Ayai and the remaining last goes to the youngest (Achei). Sometime particularly landed properties nothing is left for the youngest. But since it is part of customary culture people accept it with smile.

The Tangkhul society is patriarchal and the inheritances of properties mainly landed properties are confined to the male line of the family. Particularly ancestral properties which cannot be parted with other accept to their sons. Movable properties mainly of the women ornaments and other related item particularly the assets of the mother can be inherited to their daughter.

The father is the head of the family and he is the owner of the property. Before marriage, of his children all the family member share and enjoy jointly the father's properties. The son cannot demand any of his shares before their marriage. But as soon as he married he is entitled to his share.

The other sons successively separate from the father one after another after their marriage. All the family members help to build new establishment

According to the customary laws of the Tangkhul Naga Long, inheritance and succession is:

i. A person taking properties (including landed properties) of another person is known as shimluikat (Heir)

ii. A son inheriting his father properties is not call "Shimluikat" but known as "akhavaiya".

iii. If all the family members die and the nearest relatives took the properties than it is "Shimluikat".

iv. If the couples do not have a son and the properties is inherited by the nearest heir than it is shimluikat.

v. Women cannot inherit the father properties.

vi. In case if all male family linage of the hereditary chief of the village are expire and extinct, than the eldest decent of the clan who came along with the village headman in the first village settlement can inherit kingship and his properties. And may continue to his family line.

vii. Any clan who came along with the village chief in case of no more male family heir, which is extinct, than the village chief can inherit their properties.

It is also a custom of the Tangkhul Naga that, in case of selling any properties both moveable and immovable, the first one to approach is his nearest heir and then his clan and if no suitable buyer is found than it goes to the outside/ public. In case of selling its landed properties to other village also the boundary of the village is unchanged.

Usually illegitimate son cannot inherit father's properties. This is because the society assigned him in a lower social status. A child born out of illegitimate union cannot get affiliated to a social unit for establishing its identity. But if the adulterers marry the girl which is not incest than the son can rightfully claim his father share of properties.

Physical deformity, in other word physically challenged cannot be the cause of disqualification to inherit the father property. Even, a lunatic, dumb and blind can inherit his father properties.

The widow, although she acts as a guardian of the younger members of the family, yet she cannot claim to succeed to the property of her deceased husband. She remains in her deceased husband family as a guardian but her eldest son is the actual head of the family and legal heir according to customary laws.

If she does not marry again after her husband death and prefer to stay in her husband family, she is entitled to residence in the family house and the eldest son should care and look after till her death.

2.8. PARTITION OF PROPERTY

The Tangkhul society being patrilineal, the inheritance and succession is in male line only. Distribution or partition of property is mostly done in male line only. As it has been mentioned earlier that Tangkhuls have classification of social strata by birth, the elder clan or elder in the family are in higher strata and thus they enjoy the best and lion share. The younger brothers are in lower strata thus they get smaller or lesser share of father's properties. Such favor shown towards the eldest born son is widely known as primogeniture.

The main reason for such unequal sharing of father properties is that for being the eldest in the family:

i. It is to shoulder extra responsibilities when the father become old or dies like repayment of debts, loan, etc.

ii. Looking after the minor brothers and sisters when the father dies or is too old to look after them. Usually in the village there is no population control so sometime a father have as many as children he wants.

iii. The eldest son has also responsibility to look after

aged parents and his younger brothers and sisters born in the family when his parents are old.

iv. The eldest son becomes a father figure and guardian when all of his brother and sisters get married also. When there is any problem in the family and where there is any ceremonial occasion or during the financial constrain in the family, the eldest son who is Amei (A kind of status title) look after them and cares for them. Therefore, being the eldest and taking care of the family he need to have sound economic position that is the reason that the best of all is given to the eldest son. It is also an honor shown to him for being the eldest (Amei Kharar).

The other sons too get their share according to the hierarchy. But it also depends on the desire and wishes of the father who divides the property. Usually, the father before the sons got married divides the landed properties but do not declare before they got married. But if the father dies suddenly and have not spelled our divided the properties before he dies, the eldest son with the help of his nearest relatives distribute the property. The ancestral valuable properties like, precious stones, gongs, spears and other ritual related items are retained in the hand of the eldest which will pass it on to the eldest male line so that the ancestral properties are kept and secured in the head of the family or clan.

Usually the property shares of the sons are given after getting married. But when they have a joint family system, they use the properties in common. But joint family systems are rare. As soon as the sons get married, a new establishment - a new building is constructed for him and given his due share of properties.

Regarding the daughters' share of properties, in fact, there are no rules that are strictly adhered to but common practice guides their instinct. Usually the landed properties inherited form the ancestral and other movable, religious or ritual related items are not given to daughters because it means that ancestral properties will goes to the other clan. Thus it may confuse and twist the past history. Because the traditional Tangkhul since there is not written documents most of the stories of the ancestral is maintained in song and in properties. But the parents may even give landed properties to their daughters if it is bought by them recently and if it is not inherited ancestral properties.

The second way of getting landed properties is - females are allowed to collect and accumulated presents and gifts etc. in cash or in kinds. The relative usually give some gift to the girl for her service rendered to them. Sometimes a basketful of paddy, corn, etc. are given to her. She can sell these collected goods and save the money and kept with parents. When the money is sufficient enough to buy a land the parents do so and give the land during the time of her marriage. This cannot be counted as fathers properties after all it is personal saving of the daughter. Such kind of properties is called 'THAMUI'.

Daughter also receive properties mostly ornaments, costumes and other necessary daily usage items.

2.9. DOCTRINE OF NO WAR ZONE AREA AND PUKREILA

War is part and partial of our life. Human being sometime tries to avoid it but the more he tries the more he is dragged in the war. We fought a war not to have a war; we have a war to avoid a war. In order to have peace we fought a war. We fought a war for war. We

fought a war for security and integrity. We also fought a war for dominance and power. This craze for power and dominance in human nature ceased after only his death. Therefore war became necessary evil which became part of human life. The Nagas particularly the Tangkhuls are not exception to it.

Like international laws for war, the Tangkhuls although they are primitive, has strict adherence to customary laws. If any village or individual breached such customary laws of war, the culprit is jointly punished severely. Although war and head hunting are related they are quite different from one another. Head hunting is more of personal affairs whereas war is more of public or village affairs. Therefore, war is not necessarily head hunting and vice-versa.

Among the Tangkhul there are five types of war. They are:

i. General war/ Declared war (phar-rei-rai)
ii. Secret war/ undeclared war (ngathirai)
iii. War of challenges (ngasungrai)
iv. Khel/ Clan war
v. War of hostage (kharingtuk)

All the above mentioned wars are fought under strict customary laws of war.

Head hunting on the other hand if we judge today in our present perception, it seems to be barbarous, inhuman and uncivilized. But it will be wrong to judge the past tradition from the present context. For them head hunting was glorified in many reasons. They value human head more than anything else. It has religious sanction, economic utility, political consideration and receives social status. Some of the value and important things about head hunting were:

i. The Nagas had their own belief about the value of human heads. They believed that by bringing human head from head hunting it will add fertility of the soil in the village. So they will have bountiful harvest.

ii. There was social recognition. A person who can bring head climb up the social status. A boy who had not taken any head is hard to find a woman for marriage.

iii. Another reason for head hunting was for the cause of justice like when the village boundary was violated or a woman is unreasonably divorced and sent back to her village. This vengeance for justice sometime leads to head hunting or war.

iv. There was a belief that a person who is killed and whose head was taken will carry the luggage to the land of death on his dead.

v. The other reason is that a warrior who got maximum number of heads is most respected in the society. He has the best chance to marry the most beautiful girl in the village. And there are some Naga tribes that a person who has hunted the most heads is made the chief of the village.

About the importance of head hunting of the Nagas, Dr. Verrier wrote that "It stimulated the crop to grow better, especially when the head was that of a woman with long hair. Moreover, the Nagas have always been a warlike race and the warrior, especially the young warrior who has taken a head is held a great advantage over his fellow persons in attracting the most beautiful girl of his village for marriage. Indeed, it is said that youth who had not taken a head finds considerably difficult in obtaining a wife at all".

So Nagas, since they are war like race; war and head hunting became part of their life. But as I have already mentioned that this war are fought under strict customary laws. And in the customary laws of war there is peculiar and very human character is present. Among the Tangkhul it is known as "NGALEI KHAMOR" which means no war zone, or neutral zone. If any person enters this zone no crime could be committed. If he commits any kind of crime like. Theft, rape, dacoit, etc. in time of war also, the vanquished party if they run and enter the zone they cannot be attacked or do any harm to them. Reaching such zone, any person is completely immune from being assaulted, attacked or killed on the ground. That area is declared jointly as no war zone, which is treated like sacred place. So any person innocent, culprits, criminals whoever it may be or man , women, children whoever enters into this "NGALEI KHAMOR" (no war zone) they are safeguarded and return home from ngalei khamor free form injuries.

Any person or village who violate this customary rules; the neighboring village jointly organized and attacked the village as a punishment. Ngalei khamor (no war zone) is also known as 'No man land'. But there is not even an inch of land which is not unoccupied or which does not belong to anybody. This words 'no man land' or the concept of 'ngalei khamor' (no war zone) come into existence when there is boundary or certain strip of land which is disputed between the neighboring villages. None of them would like to give up its claim and none of them would like to be responsible if anything happen in this disputed area. It is a tradition that whatever happened in their village or within the boundary of their village they are answerable to the problem. In order to avoid such problem and the unsettlement of the disputed area, both the village declared it to be unadministered area or no

man land (which is misnomer) and declared such zone as 'ngalei khamor' (no war zone area). This is how it came into being. It is not a new phenomenon. It has been there since time immemorial. Once it is declared as no war zone all other villagers also recognized and respect it.

Another reason for having such safe zone is that:

i. Tangkhuls' life particularly head hunting has no season. It is done throughout the year. So it is danger everywhere and, all the time. But if they have such safe zone they may relief for a while for they know that nothing will happen when they are in no war zone.

ii. Criminal are also after all a human so, they should have proper safety place for refuge. So that hunters should not assault, hurt or kill for their head.

iii. The inter village war should have a definite place so that it does not spread beyond the limit and exterminate all.

iv. Any village that surrendered during the war and enter such safe zone should be respected so that no further damage is done.

v. Any criminal or offender who took refuge is such area are spared and given chances to live and reform himself.

There is another interesting customary practice of the Tangkhul which is called 'Pukreila'. Pukreila are those women married to another village. In spite of constant village rivalry and war there still exist and practiced inter village marriage. A woman who is married to another village became equal distance of relations. Therefore, she can play the role of ambassador of both the village in her parents village and her husband's village i.e. a

man from a X village marry a woman from Y village. The woman becomes pukreila of both the village. In case of war between X and Y village, as she belong to both village she remains a neutral person. Therefore she can be a mediator for peace. Usually head hunters do not like to take the head of pukreila because there is danger of revenge from both the village. As she had a relation to both the village she can play the role of mediator and peace maker.

The term 'pukreila' is most likely derived from the word PHA KHARALA meaning tattooed woman. Because tattooing (pha khara) is very common among Tangkhul women. According to Sothing W. A Shimray, the syllable PUK and REI (LA is a suffix for women) does not form a meaningful syllables considering the very nature of pukreila. As such judging from all these, it is very likely that pukreila is a derivation from the word PHA KHARALA, PHA into 'pu', KHARA or KHAREI into 'krei' or 'rei' and LA as 'la'. Thereby, PHA-KHARA (REI) - LA- into PU-KREI-LA or PUK-REILA.

When the two warring village group of pukreila has entered into serious clash even death or when the pukreila feels that they have fought enough and do not want further bloodshed, she will hold a long 'Y' shape stick and enter into the field and shout 'Stop! It is enough'. Then suddenly hearing the command of pukreila the entire warrior at once had to stop the war. The pukreila in any condition, she could not be harmed according to customary laws. She was highly respected for her neutrality and sincerity, for she is related to both the village. In case of any harm or disrespect to her command, serious punishments are given. This is one of the unique customs of Tangkhul. There is a saying that "war begin from woman and ends with woman".

2.10. CRIME AND ADMINISTRATION OF JUSTICE

In the traditional Tangkhul society the administration of justice was strictly based on customary laws. In spite of that, it is not in written form it was successfully practiced since time immemorial. The administration of justice is done through the Hangva (Village Council). Now it is called Village Authority. The traditional Hangva is usually represented by elders of different clans in the village. This Hangva is headed by the village chief who is hereditary or elected. Hangva is the highest village council where it deals more or less everything. There is no other subordinate court or council but in case of small matters it is tried to solve at clan level as far as possible. Cases or any other matters which cannot be solved at clan level are appealed to the Hangva. Any case taken up in the Hangva, the councilor headed by the village tries their best to deliver justice without any partiality. It is a traditional practice that after hearing, decision is given by the village authority which is fixed and people hardly complain and challenge the verdict.

The village authority deals all the subjects and exercises, executives, judiciary and administrative power. It also functions as law making dispensation of justice. The Tangkhul judicial system is a combination of customary laws, superstition, religious and practice. Broadly speaking customary laws of the Tangkhul can be divided into main two types:

i. Man made law such as marriage, inheritance, succession etc.

ii. Divine laws which include all the subjects included in 'sharra' which has been discussed in the earlier chapter.

When the case is put up in the village court and after hearing, if the judgment cannot be given and is doubtful

then, it is settled through ordeals which is claimed to be very effective. There are several methods of trial of ordeal. The oath taking is swear, in the name of deity and they accept curse on them even death if they are wrong. The oath taking or swearing in the name of deity goes like this.

i. If I lie, may I and my family be destroyed and mingle with soil on the earth and be seen no more.
ii. I have done something wrong, let heaven and earth judge me.
iii. I have done no wrong, I have not stolen from this man's house, may the sun and moon smite me if I have done wrong etc.

Some of the ordeals for administration of justice practiced by Tangkhul are:

i. Tara kazang (immersion to water).

Cases decided by immersion into water are known as Tara kazang. The point to be noted when ordeals through water immersion are:

a. The person who is floated first is declared as wrong and the other one shall be taken out and declared just and winner.
b. Two councilors should stand each, beside them.
c. The water position and condition like depth, current of the flowing water; muddiness etc. should be checked and made equal for both.
d. There should be fixed maximum time so that, with that specific time if none of them floated, the condition should be decided before hence (usually if it is so, it is declared as join winner and if it is a land case then it is divided into equal halves).

Other conditions to be noted for this ordeal are:

a. Water immersion is given when there is no evidence or witnesses etc.

b. If there is proof document or witness etc. water ordeal is not given.

c. There cannot be a substitute for water immersion.

d. Both the person should be more or less the same age in other words, a big difference of age should be considered and a physically weak or sick man should be considered not to give water ordeal.

ii. Ngalei khamang (drinking mud water of disputed land)

Such ordeal are given to those when there is land dispute between two people or villagers or dispute of boundary such ordeal is known as 'ngaleira khamang'. In this method, the judges will take the mud from the disputed land; it is then dissolved into water and divided into two equal shares. They will swear in the name of deity to judge them even to the extent of death. If they are wrong, the judge will fixed a time usually a year. Both will simultaneously drink the mud water and the person who dies first is wrong and looser. But sometime if nothing happen within fixed time in such case the disputed land is divided in equal half each.

iii. Harmathin, Famathin kashai (eating chicken liver and dog liver)

In such method a chicken or a dog is killed and its liver is well smear with blood and in row they will divide into usual half and eat them. The person who faces misfortune or death is consider as looser.

iv. Rihai khanai/ kaka (biting or treating feat on Rihai)

Rihai is an altar in the village headman courtyard. When head are brought from war or from head hunting

it is place here and ritual rites are performed. People consider it as a secret place, where no one dares to lie for the deity will curse liar and wrong doer.

Such ordeals are given when the village court cannot or beyond its capacity to decide, of big issue. In such cases both the parties stand before the judges in the altar. And after swearing in the name of God to Judge the guilty person than they either firstly break chicken leg and wing cock and eat in the alter. second option, wash the round pebble stone and drink the water. Thirdly, mix the mud of the altar with water and drink. Fourthly, bite the pebble of the alter saying "The heaven and the earth would know the truthfulness and false of my claim over the property in dispute and if I am wrong, I shall die before the harvest of the new crops". Fifthly, the blood of the chicken is spelled over the stone and the contending parties shall treat upon the pebble with the similar oath of the above stated.

v. Sampa Kharur (Emersion hair into water)

When there is argument between two people which cannot be settled. With their case than, both of them are to pick up a piece of long hair each and immerse the hair into the water, a person whose hair float is judged as looser.

vi. Fakhon-Harkhon khangana (hearing rooster roasting and dog parking)

Such methods of ordeal are given to cases of Chieftainship dispute, dispute of clan elders, or village dispute etc. In such case each contenders have to bring either dog or the cock in the evening at the appointed place. All the judges will be watching and waiting without sleeping. And the contenders whose rooster crows first will be declared as winner.

vii. Sachon kaphut (ordeal through animal trapping)

Cases of village dispute or dispute of elder clan (mirar khangapai) are given such ordeal. In this method both the contender have to make new animal foot path (Way) and a trap is laid. A person who traps an animal is declared as winner.

viii. Thing ngayap (Stick thrashing)

Here the contenders are given one stick each with same length and size. They are made to stand within mark circular line facing one another in which the holding stick can reach to the opponent. As soon as the order is given by the Village Chief or the Judge, both will try to hit and injure each other. The person who is injured and blood came out first is the looser and declared as guilty person.

ix. Har khari kasai (eating chicken intestine)

In such method a chicken is killed and cooked properly. The end side of each chicken intestine is put into the mouth of both the contender by the judges. As soon as the Judges say start eating both will try to eat more and fast without using their hand. The person who can eat more and longer chicken intestine is declared winner.

x. Kazei khangashat (fighting with spear)

This is another ordeal given to decide dispute. Here the judges shall mark two round rings of both 6ft in circumference; facing one another in the middle of the two rings draw a line equidistant from both the ring and the contending parties will be given one spear each of the same length and size. An instruction is given to both that they cannot touch or cross the circular ring while fighting. The target of injuring is to be confined to fingers and palm and not beyond the wrist. During the fight

whoever injures first and shed the blood is declared as wrong and unjust. In case of both injure the contenders whose injuries is more serious is declared as wrong and looser.

xi. Panglikor eina masik khangarok (scratching by nail)

This is another peculiar type of order specially given to man and women of their physical relationship and become pregnant and the husband refuses to admit it to be his child. Before they scratch each other, both swear in the name of God saying (a) women "creator of heaven and earth" I swear in thy name, that the child in my womb belong to Mr. A. (b) Man- I swear in thy name that the child in the womb of Miss B does not belong to me".

Therefore the judges give order to start fighting by scratching hands against each other. He who sustain injuries with bleeding is declared wrong and the person who has no injuries or lesser injuries is declared just and winner. And the case is settled accordingly.

2.11. PENALTY AND MODE OF PUNISHMENT

The Tangkhul everyday work of life is governed by strict customary laws. As human being, by nature, no society is perfect and free from any injustice there is always omission and commission, which need to be rectified and move forward as life goes on.

There are different kinds of penalty and different mode of punishment given to the offender, or the person who is judged guilty, as per Tangkhul custom. These punishment or penalty is more or less the same in the whole Tangkhul area. But it may have some variation in some part.

Some of the important crime, offences their penalty and mode of punishment are given below.

Murder

Murder is considered as a grave offence to the Tangkhul. But head hunting killing was outside the preview of this subject, because head hunting was acceptable social practice, which has socio, economic, political and religious significances. It was consider as heroic act and people glorified it. But murder among the village, and murder without reason was punished keeping in view of the motive of the crime.

Keeping in view of the motive of murder it is divided into three categories

i. Accidental Murder
ii. Murder in a fight
iii. Pre- planned Murder.

In the first case as the murder is of accidental the case is settle among the two clans or in the village court in the form of compromise with imposing penalty mostly of cow or buffalo.

The second type of murder is more serious. The reason leading to fight and murder is taken into account and fined him heavily. Sometime the culprit is banished from the village.

The third type of murder is the most serious one. For the Tangkhuls killing a man attacking from the back is considered as an act of cowardice. Such murder leads to incessant war between village and a clan. In such case, the murderer is banished from the village and all his properties are confiscated. In Tangkhul society such crime is very rare.

Bodily injury

In such case the nature of injury and the motive of the action are taken into account, while judging. If the culprit does it intentionally with motive, he is fined heavily.

Rape

Rape is very rare phenomenon among the Tangkhul society. It is considered as serious offence. Rape is classified into two: raping an unmarried girl and raping married woman. While raping a woman the husband can kill him on the spot. And if the rapist is caught red-handed he is beaten severely and even made him crippled for life. Rapists are imposed fine and according to the nature of the case he can be expelled from the village.

Theft

If a person is caught red-handed while stealing important items like rice, paddy, etc. of other person he can be killed on the spot and left him there as an evidence of his act. But if it is a minor item it is to be returned and fines are imposed to him according to the gravity of the crime. But if the thief is not caught red-handed, proper investigation and interrogation are made and only after establishing fact, penalty and punishment is given.

Divorce

Unlike European or western country, divorces are rare in traditional Tangkhul society. Once they entered into wedlock, they are for life. But it too happened in the olden days also. Divorce or separated has different categories and dealt them according to its type.

a. **Lapan**: If the divorce is initiated and pronounced by husband without proper reason, he has to walk

out from the house with empty handed except his main weaponry uses like spear, shield, daos, etc. Likewise if the divorce is pronounced by wife without proper reason, she leaves the house with her personal use like zeithing (iron scepter) and other, but not valuable or other ancestral properties.

b. Even if the husband divorced her and left the house leaving all the properties including unmovable landed properties in her custody, she cannot sell them. If she marries other person she has to leave behind all the properties. If she does not marry also, the properties are to be shared by his sons accordingly. If they have no sons also it is to be inherited to the nearest relative heir.

c. **Shatngathan**: The other type of divorce is called 'shatngathan'. It is a mutual separation of husband and wife. When both husband and wife would like to separate (divorce) for the best reason known to them and when they agreed to be separated they can do so. In such case the conditions and the properties that they owned are agreed and divided as follows:

i. The husband gets 2/3 of the properties of both moveable and immoveable.

ii. The wife shall receive 1/3 of the properties.

iii. The husband shall look after the male children and the wife shall look after their female children.

iv. The wife has no right to sell off any immoveable properties specially landed properties.

In case of shatngathan (mutual separation) both can be reunited again as husband and wife. But in case of lapan it cannot be reunited again. It becomes taboo to do so.

Incest

Incest is observed as one of the most serious taboo among the Tangkhul society. It is considered as not only breach of custom that affect him but it is a kind of crime, an offence towards him and all the village community for they believed that, when there is incest in the village it become unlucky which they call it KHANEI/NEIYA meaning misfortune in the whole village will be there and there will be ill-luck, curse by their deity, etc.

So the Tangkhul take incest as individual taboo and crime which effect all generation. Incest in short is a marriage of close proximity of blood relations or relatives such as children of the same clan or parallel cousin or children of the same phratry or marriage between brothers and sisters of same parents, father and daughter or daughters like close relatives, mother and son or son like close relatives, father and daughter-in-law, mother and son-in-law etc. These are known as shokhala (incest).

There is other type of shokhala which is known as VAKHALAT.This is marrying her mother's brother's son. This is also taboo and imposed a fine of Rs. 5000/-. But they are allowed to stay in the village with some restriction in social activities.

The other type of sokhala (incest) is known as CHINAORAR KHANGAKUM, this is marriage of children of parallel sisters. Such marriage is also for bitten because their mothers were from one clan of the same parents. Such is also taboo with some restriction in the social and religious activities after a fine of Rs. 5000/- they can stay in the village. The last two vakhalat and chinaorar incest is permitted into wedlock after a gap of three genation. (Earlier it was 7 generations). But the first type of real sokhala, they cannot in any circumstances interred into

wedlock. After imposing fine of Rs. 5000/- they are banished from the village for life.

Sokhala (Incest) people are restricted of the following.

1. They cannot perform egg divination.
2. They cannot erect Totem pole
3. They cannot involve in village meeting/ discussion
4. Performing of chicken leg omenation is forbidden
5. No bamboo divination.
6. Forbidden certain feast off merit.
7. If not banish him from the village, the village has to shift.
8. Ancestors' pillar and meithalung(stone in fire place for cocking) are to be removed.
9. He cannot cut the head of the animal.
10. He cannot take citizenship of the clan.
11. Offering bread to god (ritual and rites) forbidden
12. Propitiation to the deity is rites are forbidden.
13. The title ship of Achon-Amei (elder's title of clan or family) is forbidden and removed.
14. They cannot inherit or inheritance is not allowed to them.
15. From the day of incest their name are strike off from the village. No genealogy, no clan is recorded or counted for them.

For banish and driven away from the village for being incest, certain customary ritual and rites are performed so that misfortune/ill luck may not be fallen in the village.

After establishing the fact that their wedlock or relationship is incest, on the appointed day all the villager will go to a river bank along with the incest couple. A sizable pig is slaughter and cut equal half into two pieces

from head to tail. Then the priest will invoke the deity and one of the half pieces is faced towards the sky and another half is faced downward the ground and he will invoke and swear saying "Let the god of heaven and the god of earth know that this couple disgrace and shame all of us by being incest. Let the ill luck, misfortune and curse be on this couple not to us and the village let this couple carry away all the bad luck from this village". After saying this word the couple along with all the meat are driven toward downwards stream /river. In this process no family members or friends are to shown any love affection or sympathy to them. They are to shown their disgusting gesture and look to them so that ill luck may not be fallen to them. Thus they are driven and banished for life.

House Trespass with theft

The stolen properties are returned with a fine of one pig a size of 6 hand fist circumference and a sum of Rs. 3/- was fined during Britishers as penalty.

Garden fields Trespass

The thief may be killed at the spot and put the stolen article in the wound. Or a fine of one pig a size of 4 fist circumference, and a penalty of Rs. 3/- during British period.

Field Trespass

This includes thief and any other mischief leading to damage of irrigation, field etc. A fine of Rs. 2/- was imposed during British period.

Adultery

In such case a fine of one male buffalo with a three fist long horns and penalty of Rs. 12/- is imposed during Britisher.

Dacoity

Extorted article are returned and a male buffalo along with Rs. 12/- is imposed as fine.

Malicious and defamation

Imposed fine of one pig a size of 4 fist circumference and a penalty of Rs. 3/- during the time of British.

False Promise/ violation of contract

Impose fine of Rs. 3/- and one pig of 4fist circumference in size, during British period.

Defamation on status

When any person is given village or clan citizenship no one can say that he is outsider or alien. In such case a fine of Rs. 3/- is imposed during British period.

Assaults on Household wife

Fined one pig a size of 3 fist circumference and penalty of Rs. 3/- during British period.

Forced separation (divorce) to aged woman/man

Fine imposed more than 'Manho' (bride price given during marriage).

Defamation to dead person

Fine one pig 4 fist circumference and penalty of Rs. 3/- during British period.

Setting house on fire

The culprit, his entire movable immovable properties are confiscated.

Fornication

A fine of one pig and if a child is born out of it became a member of the father and he shall look after him.

Cursing

Cursing in any form is an offence so the culprit is fine one pig.

Surrender/Apology

After admitting his fault, if a man surrender or apology, a fine of one pot of rice beer and rupee is taken during British period.

Dispute over animal Head

When village council killed any animal, its head is reserved for the chief. If any person disputes it, it is taken as serious matter, a fine of one bull and Rs. 10/- is taken during British period.

Dispute over parentage

Dispute over parentage arise when identity or parentage is not clear. The looser is imposed 4 fist circumference of a pig and Rs. 3/- as fine during British period.

Collective responsibility

If any person who did not give cooperation in war with animal or man in spite of information, than he is (1) Excommunicated from the society or (2) The animal killed for the purpose is imposed as fine to the defaulter.

Undisclosed fornication (Sham kachit)

If a man speak ill of unmarried women, saying he had commit adultery with her, such is defamation and crime, a fine of one Cow/bull and Rs. 6/- is imposed to him during British time.

Killing of other's domestic animal

If someone kill domestic animal of other and if the killing is intentional without valid reason, the offender

have to replace the dead animal of the same size and a fine in cash is also imposed, this money goes to the village authority. In a village, there is a season where the domesticated animals cannot be set free particularly during farming season. If any domesticated animal is killed for destroying the crops during farming season ,where they are not allowed to set free, there is no fine to the killer.

Beating of small children

It is a custom that parents should not involve or interfered in children quarrelling. If any elders beat a children not of his own, and if the parents of the children move to the village court for adjudication the former is fine Rs. 50/-.

Fighting of animal

If two animals fight and in due course if one of them is seriously wounded or die, than the owner of the survived animal is ask to compensate. If any person instigate or abet the animal to fight, and cause serious injuries or death, than he will have to take responsibility to replace or compensate it. In case of fighting two animal and if the elder or the bigger one kill the smaller or younger one than the owner of the bigger one have to compensate the loss.

To sum up, to give verdict or penalty in village court where cases are tried, the motive of the culprit is always taken into account. And after awarding penalty in the form of cash or in kind and if the offender fail to pay, it is the custom of the Nagas that the closest clan relative contribute and paid up the fine.

There are many type of penalty and punishment given to the offender or the culprit. Some of them are given below.

1. Penalty given in cash.
2. Penalty given in movable an immovable properties
3. Penalty given in imprisonment
4. Penalty through excommunication. (Khangaleng)
5. Penalty through boycott (Khamahei)
6. Penalty through banishment/exile (Khayam)
7. Penalty in form of slave.
8. Confiscation of properties.
9. Penalty in Handcuff (Zurthing)
10. Penalty through spearing.
11. Penalty in landed properties.

Some of the above mentioned penalty or punishments given to the offender are discuss here below.

Excommunication (Khangaleng)

This is a penalty without imposing fine. If there are some people who do not observe and extend - cooperation in village affairs or in clan's family affairs, such people are simply excommunicated without imposing fine. Such person with indecency bring disturb to the solidarity and integrity of the village or family. Hence they are socially boycotted such is known as excommunicated.

Khamahei (Boycott)

In such case, there is no imposing of fine nor the matter or the case is referred to the village council, but due to some reason, they boycott each other may be one man to man ,family to family or person to family etc. Here they do not talk each other nor commercial good etc. are exchange. Sometime such things happen in among the brothers and sisters of the same family or among the neighbor's. The whole village can use the

above mentioned two type of penalty to a person, when his offence is serious and dim fit to impose such punishment.

Khayam (Banishment/Exile)

This punishment is driving out from the village which is mainly applied to a delinquent person, when there is violation of genna etc. Here he is debarred to settle in their village, but he can settle in the neighboring village.

Zurthing (Handcuff)

Person charged with spying or capture from war are usually put this handcuff. It is a chainlike cuff made of wood, two holes each for hand and leg. Then the hands and legs are put separately inside the hole so that the prisoner cannot move freely and escape.

The Naga customary laws particularly the Tangkhul customary laws are numerous. It is a wonder how such varied laws are learned without formal educational system. Almost all the grown up citizen can easily know all of different laws, rites and rituals and customary laws of dos and don'ts, different kind of penalty and punishment etc. as if they have specialist on this subject. After much serious thought I concluded with two probable reason of it. (1) The traditional Naga people are sincere and straight forward citizen, they do not complicate any matter and they do not twist and interpret the laws to their own convenience, hence it is free from complication and confusion. So people can pick up and learn smoothly. (2) The parents, mostly elder's, aged man always remind the village councilor (judges) and the village chief to administrate and rule according to customary practice of the land. And while judging and giving punishment and penalty it should be according to the degree of crime

he has committed. Not to, neither over punishes nor vice versa, hence parents and elders reminding them from time to time make easier to remember them.

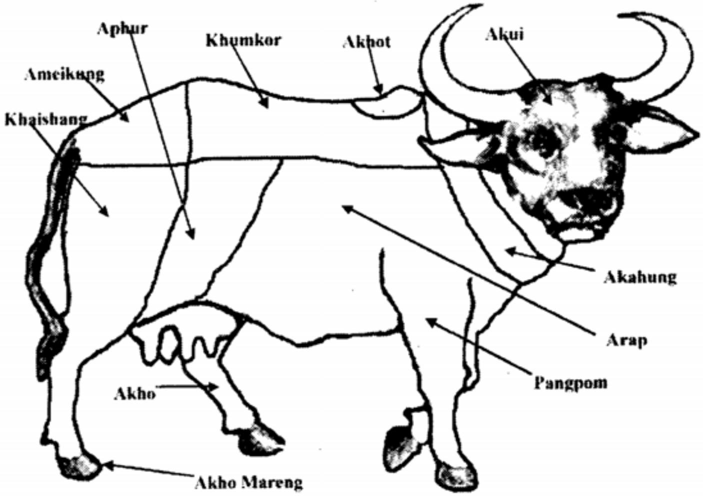
Some of the moral ethical reasoning principles that reminds the judges and village chief when giving penalty and punishment to the offender as per customary laws are

1. Penalty and punishment given to the culprit should be according to the degree of crime he has committed.
2. Penalty in cash or in kind should be specific and appropriate.
3. The offender /Culprit should be given enough time and opportunity to express his views.
4. No judgment should be made hearing from one party only.
5. Suitability of giving penalty and punishment in cash or imprisonment etc. should be considered properly.
6. While replacing or paid up stolen or damage, other additional charges like wages of councilor for the case, defamation/disregard to court order etc. should be appropriate and reasonable amount should be charge.
7. The penalty giving in slave should be considered if it is reasonable or not. And the time and condition should be specifically laid down.
8. The penalty given in spearing (hurling of spear) should see the applicable of such punishment of the case.
9. Punishment given in (a) Khangaleng (Excommunication) (b) Khamahei (Boycott) (c) Khayam (Banishment/Exile) should be given after

minute consideration.

These are some of the guiding force of village authority and the village chief when exercise customary laws to give penalty and punishment to the offender.

2.12. TANGKHUL CUSTOM OF BEEF CUTTING



ENDNOTES

1. Opp.cit. Shimray R. R. *Origin and Culture of Nagas*, Delhi – 1955, pp. 60-64.
2. Majumdar D. N and Majumdar T. N, *Social Anthropology*

* Sharra: A Tangkhul word which means unnatural, forbidden and a negative curse law against the commandment of God. This word has social, cultural, religion and customary laws connotation.

3

Customary Laws and Practices of Nagas in Chandel District

3.1. SHORT PROFILE OF NAGAS LIVING IN CHANDEL DISTRICT

As I have already given a brief introduction of Chandel District in the earlier chapter, I will not do the same. Chandel District although, it has only 3,313 area of sq. kilometer, it has the highest number of different ethnic communities living in a district of Manipur. It has about 20 different tribes' lives here, out of which about half of the ethnic groups belongs to Nagas.

As per provisional census of 2001, the Chandel District has the second highest decadal population growth of Manipur. But the density of population per sq. km. is the third lowest having 37 persons per sq. km. And the literacy rate is second lowest having only 57.38%. It has the lowest population among the District of Manipur as per 2001 census.

A short profile of Nagas living in Chandel District is as follow.

i. AIMOL:

Aimol is a small ethnic group of Manipur which are now inhabited in three districts namely; Chandel, Churachanpur and Senapati Districts. But they are mainly concentrated in Chandel District. As per Statistic abstract of Manipur 2005, Aimol has a population of 3,643.

In the early period they used to shift their settlement from place to place. Many writers wrote the ethnic affinity of Aimol has been placed with the neighboring tribes of southern part of Manipur bordering Myanmar and the Lushai and classified as Chin-mizo group. However the Aimols prefer to live and maintain a distinctive identity of their own, and affiliated to Naga as a larger community.

The word Aimol is derived from "ai" a small wild plant like ginger abundantly grow on hill "mol". It is said that this place is somewhere in the present Aizawl in Mizoram. According to legend story the Aimols originated from mythical cave at 'KHUPI'. As they came out a Tiger blocked and eat them, at last one of the clever man came out disguise with the dress of Tiger and speared him to death, that's how the rest of their people were saved and came out from the cave.

Regarding costume and ornaments of Female wear, Khamtang, Kuwapaam, Shenchal, Aitang, Reinuam, Saipikhup, Khongkhihmor etc. For male's they wear Vike Chu, Shekili, puante, Puandum etc.

The traditional housing is somewhat in rectangular box type, with living very close to one another. They have about 3 to 5 compartment mostly through the room from the front side. They build separate store room,

granary etc. The house is made of wood, bamboo and mud wall and roofing is of thatch. The direction of the house is always facing the East.

Agriculture is the main source of product and occupation, both male and female work together with not much division of labor in farming and other. Weaving and livestock rearing is another source of income.

Aimol have patriarchal feature society with monogamous is the common practice of marriage. It allowed widow and widower remarriage. After marriage the son in law stay in the father in laws house for 3 years, after completion of it, both returned to natal residence.

Aimol is divided into 5 clans, with sub clans; (1) Chongom (with 3 sub-clans), (2) Laita (3 sub-clans), (3) Lanu (4 sub-clans), (4) Chaithu (no sub-clan), (5) Chongthu (2 sub-clans). Aimol clan has totems of their ancestor. They are regarded as their God and they worship it.

The administration of the village is done through Village Council known as Pasakaret which has 8 councilor members. It has a subordinate another association which has the same number of Councilor; the only different is that, the second association which is called Tamsakoi is hereditary. The Chongom clan eldest has exclusive right over the post of this association.

Recently adoption of village authority Act 1957 has changed some provision. But here too only minor cases are allowed to handle.

After trying at the village court, the offender or guilty person is punish either by imposing fine, confiscate properties or ex-communicated.

For bringing justice they also use oath and ordeal such as biting Tiger teeth, drinking solution water of

husk, lightning stone, charcoal etc. They worship god like,Kho-Pathian (village deity), In-pathian (house deity), Chahu pathian (agricultural deity), Arkun pathian (goddess of human fertility) etc.

ii. ANAL:

Anal is one of the major tribe in Chandel District, as per the statistic abstract of Manipur 2005, it has 13,853 population which are mainly concentrated in 45 villages in Chandel District. There are another 3 Anal village in Burma, so it is also known as trans-border tribe of Manipur.

The word "Anal" is derived from a name of a person call Angnal/Analpa who was the founder of Anal Khullen. So from a name Angnal or Analpa leads to Anal, hence they are known as Anal.

The Anal belongs to the Indo-Mongoloid family, speaking Tibeto-Burman Language. They believe that they came from Mongolia and migrated to upper Burma, in Kabow Valley in Chindwin basin. Then they crossed Ningthi River (Chindwin) and settled in the present abode.

The Anal believes that the two brothers Hansu and Hanta escaped from the jaws of the Tiger which was guarding the cave from which they emerged, so both are their moiety originator.

There is moiety/phratry system and the two exogamous social groups are 'Chaning' and 'Korie' having 39 and 40 sub-groups each. The chief ship among Anal was not strictly hereditary. There is nomination by the people. The chief can also be dethroned by the people if there is valid reason. The name of the village authority officers are - 1. Khurwung (Chief), 2. Khusam (asst. Chief), 3. Minpu (Treasurer), 4. Tansel (Secy), 5. Misum

(Defence incharge), 6. Pamrang (Agriculture), 7. Dorung (Domesticated animal). They have other ableman like a) Petha Hero. b) Thimpu Priest c) Kholpu (Blacksmith). Property mainly landed immovable is inherited to son. The youngest son get the most and the best of the parents property.

Anal wear varieties of costume of man and women. Female decorate with Aphe(necklace) having a half conch shell, Hal (armlet), Athruthu(becklace), Anal Partha (necklace) earing and headgear(Lukhum). They also uses musical instrument like long bamboo trumpet, Gong, Buffalo Horn etc.

Apart from agriculture as their main occupation, they also depend on rearing animals, cottage industries like carpentry, and handicraft and handlooms etc.

Anal main festivals are 1) Hrungthe- After harvest festivals, 2) Khuthe-New year festivals, 3) Heso- Seed sowing festivals, 4) Charhothe-Crop protection festivals, 5) Kusuo- Resting festivals. Apart from that they have feast of merit like

a. EKAM: Perform by rich man feasting the community for a week to seek God's blessing. There are six different stages for the successful completion of this feast of merit. These stages are to be performed only one per year and it generally took 6 years to complete it.
b. PHAMRA: it is performed by nominated member of the village authority. They believe that non celebration of this feast is heavily laden on the way to 'Athokpam' (land of death).

iii. CHOTHE

Chothe is a small scheduled tribe of Manipur which are inhabited in Chandel and Bishnupur district. Their

population as per latest available is only 2,675. They are affiliated tribe of Naga.

Chothe are also cave-origin believers. The cave was known as Huipithorang. The legend story said that when God command the wild buffalo,with its horn open the first rock and the mouth of the cave. So Chothe were able to come out from there.

The Chothe made their houses with wood, bamboo and the roof with thatch. The traditional Chothe man and women tied their hair in bundles on the backside. They also have varieties of costume and decorative items like necklace, earrings, bangles which are made of iron, copper and other metals. They also adorn their heads with AICHANG by males and LEIKUI by females. Cultivation is their main source of livelihood but, cottage industries, like carpentry, handloom, rearing animals etc. are practice too.

Music instrument like, Drum, Gong, Buffalo horn, etc. are used in different occasion. Chothe has seven clans. They are 1) Hiyang 2) Makan 3) Parpa 4) Thaolung 5) Marim 6) Yulhung and 7) Lungkung.

Hiyang clan is recognized as royal clan which is on the topmost among the clan of Chothe. Like most of the Naga tribe, Chothe also had the preferential line of marriage for their son to mother's brother's daughter (MBD), maternal cousin and avoid FSD (paternal cousin). Inheritance is through the male line.

According to the Chothe custom, the village administration is carried on by village chief with the help of seven officials of different portfolios assigned to them. Cases which cannot be easily decided are refer to justice through oath, ordeal and the offender/culprit is fine and punish accordingly.

They worship different god and deity in the earlier time, the main god are Pu-pakhangpa, Pu-soraren, Chungpathin, Thuipathin, etc.

They have number of festivals, some of them are:

i. Urinthin: first festival of the year.
ii. Achuilin: This is the festival to worship Pu-pakhangpa.
iii. Shangholin: Festival calling in spirit of paddy.
iv. Innampeilin: Marry making festival for 7 days.
v. Jairithalin: It was held for 7 days, festival, rituals and rites praying for death man.

Apart from this they have ritual related festival and feast of merit, perform by rich man to earn social status/ prestige, this feast of merit is known as LOCHOU MAICHOULIN.

iv. LAMKANG:

Lamkang are another Naga tribe in Chandel Districι, who are mainly settled in 26 villages of the said district. It has a population of 4524. By observation it is found that they are medium stature, with well build body, mostly dark brown color, black hair and rare moustache and beard. They are Mongoloid race speaking Tibeto-Burman language. Lamkang also believe that they came out from a cave call "Khurpi" with the help of a small bird. They traced their origination from China and then moved to Burma and then at last at Manipur.

The traditional house of Lamkang are built with, about 4 to 5 feet alleviated from the ground level, leaving free space for air passes, and sometimes this space is utilizes for storage etc. The wall is made of wood or bamboo and the roof with thatch. Male wear a lower garment dirti around the waist and headgear call Lekin. Women wear

loin cloth Konik wrapped round the bosom just below the armpit, and a piece of cloth is tight on the waist known as Sachang . They have separate ceremonial dresses also, female also wear bangle (Paltha), earring (Shanar) finger ring (Khutper) and necklace (Prithi) etc.

Agriculture is their main occupation they practice both wet and jhumming cultivation. Handloom and handcraft etc. is another source of income. They also rear domestic animals; they practice fishing, hunting casually.

Lamkang encourage marriage of clan and lineage exogamy. Like other Naga tribe they also prefer and encourage marriage line of mother's brother's daughter. A married boy was traditionally had to stay in father in-low house for three years and help in various economic activities. Inheritance is through male line and the youngest son got most of the father landed properties. Divorce is rare, but it too happen and judge accordingly.

The village administration is done under village council headed by Kuruwing and he is assisted by 15 other official like, Khulakpa, Luplakpa, Mantri, Senapati, Lambu, Pakhanglakpa, Chingsanglakpa, Yupan, Naharakpa, etc. All these officers, with different portfolios look carefully of the different assigned subject.

In case of limited means to settle cases due to want of witness, documents etc. Lamkang also practice and referred to Ordeal for judgment. Such are like emersion into water, drinking the solution water of feces of mouse, charcoal, Tiger tooth, Thunder bolt stone, paddy husk, Ashes etc.

Their main God is TURNAM, they have other deity also and they believe in spirit called, Pankrung which act as both bad spirit and good spirit. They have a festival

like, Krang-Kang, it is more or less sacrificial festivals performed by a man to celebrate the wild animals he had killed during hunting and war, Tong-Kholo, is another festival. It is mean for getting abundant crop during the season. Dul-Ko-Kor is another one celebrated in December and January with dance and drink.

v. MARING:

The Maring are one of the oldest tribes of Manipur. It has a population of 17,361 as per statistic abstract of Manipur in 2005. They are settled in Chandel, Ukhrul and Thoubal districts of Manipur. Some of the writer like Grierson in the Linguistic Survey of India Vol. III put them midway between the Nagas and Kukis. Maring are Nagas and they are affiliated with the Naga community.

The word Maring is derived from two probable theories, (1) Mi (Mee), meaning men and Ring meaning to live and hence, Maring means "the living men" .(2) another interpretation of the derivation is that, Mi (corrupted to Ma) = fire and Ring = to kindle and the combination of this word Maring = user or kindler of fire.

Maring like some of other Naga tribes believes that they emerged from cave at Koibi Song Song which is somewhere in Burma with the help of Mithun. While they were settling at Kawasaphai, the people were divided into two sections. One of the section moved towards North West, this was Ramyanga group, the other group Dakthlanga and Khodei moved towards west. And the rest people, who stay behind and remain there was known as Khoibu. At present the Khoibu or Uipo inhabit at Kharou Khunou, Khoibu, Bayang, Yamol Ching Thamai etc. in Chandel and Ukhrul district. Ramyanga are found in Narum, Saibol etc. in Chandel district. Khoide group live in the border of Manipur and Dakthlang group resides

in Machi block of Chandel and some in Thoubal district.

The Maring are generally short and lightly build with whitish brown color. According to their tradition they tie their hair in knots and their head, with piece of cloth. Traditional Maring, both man and women keep long hair and pierce their ear and wear earring by man and women and decorated with feather or fancy color of beetle hard case etc.

Their main occupation is agriculture, cultivated in both terrace and jhumming cultivation is practice. Maring are known for their skillful handicraft mainly basketry.

Maring society disregards polygamy. Inheritance is through male line and the eldest son is the successor and heir of the family, and properties. The village administration is done through the village council which consists of elected post Chinsanglakpa. Khulpu or Khulakpa are heriditary but he is assign to perform his duty on more of ritual and other custom related subject, whereas the real power of administration is held by elected body of the village council.

Junior levirate is common. Daughters do not get any share of the father property. They practice dormitory system. They followed their tribal religion, which has different deity and worship them. The most important festivals and ritual related occasion of Maring are;

1. Khanakaut (ear piercing festival),
2. Aitlangthoi (protection genna from disease),
3. Chakabuthoi (seed sowing ritual),
4. Panthongsaba (protection ritual of village from war),
5. Yonkasoi (sanctification and clearance of road ritually),

6. Chimkasa (house construction),
7. Kharukasoi (protection of crops from foreign attack),
8. Khongruikaram (genna related to village social service),
9. Kapathotthoi (pray for good product),
10. Haichingbong (merry making for youth during paddy ripe time),
11. Molkasam (post harvesting festival),
12. Meirui Kasam (thanks giving prayer for production).

Apart from this Maring also have feast of merit perform by rich and wealthy person which are 'Yakahuong, Thelkahuong, Par Kahuong etc.

vi. MONSANG

Monsang is one of the small tribe of Nagas, settled in Chandel district of Manipur. It has a population of only 1,635. They claim that originally they are called 'Pakan' which include Anal, Moyon and Monsang Longyen. Pakan is one of the groups of Arkan which originate from Mongolia.

The tribe Monsang is derived from one of their ancestral king name Monsang who reign at 'PHUNGPUTUNG' in Chandel. They are mainly concentrated at 6 village in Chandel district namely, Liwa Changning, Heibung lok, Liwa Khul, Liwa Sarai, Japhou and Monsang Pantha.

According to their legend story they came out of a cave with the help of sparrow and Hornbill. There is moiety system in Monsang i.e. duel organization.

1) 'RINHENTI' with 6 subs- clan. 2) 'SIMPUTI with 4 subs- clan. The moieties are exogamous. They live in a pile dwelling houses made of bamboo and wood with thatch roof. They practice Monogamy. Polygamy is not

allowed but it happens sometime, but they are not punished. They prefer the marriage line to Mother's brother's daughter. Bride is acquired by staying and serving in father-in-law house for 3 years.

Monsang are very particular about color of their dress. Red color clothe is meant for bachelor, green associates with the girl and women, while blue colored clothe is used by elders of both sexes. Black color is used during mournful rituals. Ladies during dance attire themselves with costume, Puandum enhii to the outer bodies and also suits Jun enhii, one for top wrapping while the other wrapped at the waist. She also attire with Changka enhii having three metal bells which is knickers fastened round the waist.

Their main festivals are

a. EKAM: Earlier it was hosted by a person but now it is hosted by a community. It is observed for 7 days with feast, dance and drink.
b. BARNTHIR is the death ritual within that calendar year.
c. BURTHING ENPI is the first taste of new crops. They also have feast of merit by individual for placing in the higher status of the society known as 'YAKA.

vii. MOYON

Moyon are one of the small tribe of Naga, who settle mainly in Chandel district of Manipur. They are distributed in 13 villages including Moyon Khulen, Meton, Komlathabi, Penaching, Heigru Tampak etc. As per the Statistic abstract of Manipur 2005, Moyon tribes have a population of 1,710. Moyon is considered as one of the oldest tribe of Manipur, as it is evident in many chronicles of Manipur.

Their original tribe name is 'Pakan'. Monsang is not only their neighbor tribe but also have the same history of origin, therefore physically, culturally and politically there are lots of affinities of these tribes. As they are Pakan tribe they too believe the cave origin theory. They are mongoloid race, speaking Tibeto-Burman language.

Traditionally, their houses are constructed on raised wooden platform. The wall is made of wood and the roofing with thatch. The predominant type of family is nuclear i.e. a family is composed of father, mother and unmarried son and daughter born to them. The preferential line of marriage is Mother's brother's daughter, not vice versa. Just after marriage the son in law with the daughter used to stay with them for about 3 years serving in all the activities. After completion both return to his father house. Levirate is practice in Moyon tribe.

Agriculture of both dry and wet cultivation is practice, it is their main occupation. Other subsidiary activities like weaving, basketry, and handicraft are also practice. Properties of parents are inherited to the male line. But the lion share particularly parents' house etc. goes to the youngest son.

The village administration is done through the village council having different portfolio assigned to different officials to look after the matter such as khulakpa (chief), Luplakpa (assistant to the chief), Mantri (subordinate to the Luplakpa), Pakhanglakpa (controller of youth), Chingsanglakpa (represent inter village meeting), Lambu (interpreter), Yupanba (wine in charge), Nahalakpa (controller of lads) etc.

Their main festivals are:

a. BERJKAOP: This is a festival in which spirits are exercised by shooting arrows to a particular target.

b. Naouh: It is ear-piercing festival.

c. Eon Iruh: Spirit call in ritual of the newly constructed house.

d. Ekam: It is a kind of feast of merit hosted by rich and wealthy man for higher status in a society, and a kind of feeding the villagers lavishly. Moyon also believes in traditional tribal religion before conversion to Christianity. They have many deity and they also believe in a bad and good spirit which affect the individual.

viii. TARAO

Tarao is one of the smallest tribe of Manipur which inhabit in only 5 villages namely, Tarao Laimanai, Leishokching, Khurnamul, Heikakpopi in Chandel district and at Sanakeithel village in the midst of Tangkhul tribe of Ukhrul district. In 2003 their population is only 652. Tarao is also known as vanishing tribe of Manipur. After a long struggle, the Tarao tribe was recognized by the Government of India and listed in the Indian Schedule tribe as the 31st Schedule tribe of Manipur in 2003. Although it has very few populations, it has distinctive cultural and linguistic heritage.

According to the legend story, Tarao originated from cave called "Tukleokhur". Before coming out from the cave, they inhabited in the subterranean world under the leader of 1. Katrimsha, 2. Khulpu, and 3. Chanasha. Katrimsha was the explorer and he explored way through the cave but he was attacked and killed by a Tiger. Khulpu while trying to get out from the cave was attacked by the same Tiger, he broke a branch of 'MARKEENG' tree which look like the horn of an animal. Holding the branch on his head he chased the Tiger away saying that "let us see who wins". At last the tiger fled away and that's how he

clears the way and all his people came out from the cave safely.

The word Tarao means "happy people". This correlates with their legend story of origin. To commemorate the victory over tiger and the enemy they celebrate happily. Thus this nomenclature" happy people" or Tarao came into being.

Tarao have four main clans, which again divided into sub clans. They are:

i. Khulpu-en(one sub- clan)

ii. Katrimsha(4 sub- clans)

iii. Talangsha(3 sub-sub clans)

iv. Chanasha(3 sub- clans)

Agriculture is the main occupation of Tarao people. They practice both wet terrace and jhum shifting cultivation. Tarao have varieties of costume and cloth to be wear in different occasion, age, group and male and female.

Tarao encourage cross cousin marriage that is mother's brother's daughter. Incest is taken seriously and prohibited strictly. There is a system that a particular clan has to be marry the other particular clan e.g. Katrimsha boy to marry Khulpu girl and Khulpu boy to marry Katrimsha girl etc.

Although divorce is very rare, there is a provision that both have the right to seek for divorce with good reason. Incest is called' KYUR' when such happen; both are fined a cow each and separate them.

The village administration is run under the village chief but he is aided and advice by Phung Reiya-Chang Reiya. This is group of elders representing from all clan. Like Lamkang and Aimol, it has many portfolio assigned

to different people to run the village administration very smoothly. Different kind of crime, adultery, thief etc. is trial in village council and the culprit is punished and fine accordingly. Child adoption is rare but permitted which is known as AKHEM.

They have a number of festivals like 1. Khumsei (New Year festival), 2. Tektun (raising of megalith for the death), 3. Chantok (festival for plucking corn), 4. Neshim (dancing around the temple). Tarao mainly believe and worship 3 important gods:

a. Rapu: This is considered as supreme God.
b. Shangkhu: It is goddess
c. Ramnai: It is evil spirit which can harm people, so it is also worship.

Tarao also performed rites and rituals like

a. Sangatlin
b. Palkhoar
c. Chemha Khaam
d. Triktru
e. Rangmusarh
f. Kumseer

They also perform death rites, ritual performed in sickness and ritual performed in time of drought.

3.2. CHIEFTAINSHIP AND VILLAGE COUNCIL

A village of a tribal is indispensible social, economic and political unit. Like a Greek's City-State they are more or less independent and self-sufficient in its own way. Here Chieftainship or village chief becomes important figure in village administration.

Usually the practice of the Tribal Village is that, the first settler of the village or in other word the founder

of the village used to be the headman of the village. When there is dispute of Chieftainship of the village example if four or five of them come together, then a person who set fire first is given a Chieftainship. If it cannot be settled then, omenation or divination is sought to settle the issue of Chieftainship in the traditional time. Once the village chief case is settled it is for life and hereditary.

Going through the documents and interaction with many elders about the Chieftainship of the village it was found that initially Chieftainship was permanent and hereditary, but of late mainly in 20th century most of the Naga tribes in Chandel district has change the Chieftainship into non-hereditary , a republic form. There is nomination by the people, if not strictly elected. Some of the tribe maintains hereditary Chieftainship but only custom related rites, rituals etc. and the main village administration of laws and orders, development etc. are handled by the elected or nominated leader.

To cite some of the example, Anal Chieftainship is not strictly hereditary. There is nomination or election of the people for the post, but it has to be approved by the outgoing chief. Sometimes the Chief ship goes from father to son this is due to his popularity and efficiency in the village. A Chief can also be dethroned of valid reason like incest, homicide etc. The Anal elite and village elders are now more inclined to accept the nomination of the Chieftainship by the people.

In case of Maring Headman/Chieftainship is hereditary but in case of no son, the village chief is elected. For Lamkang the village chief is very powerful but he is not hereditary. Regarding Tarao they have a monarchical form of village government. With the chief as the head aided and advised by a Phung Reiya-Chang

Reiya. Generally this is a group of elders representing all the clans. However all the villagers can take part in the discussion of Phung Reiya-Chang Reiya. Generally here all clans including sub clan are represented and the eldest and the wisest are chosen as clan's spokesman.

The Tarao chief is assisted by a member of officers with different portfolio and functions. There are six cabinet and 17 subordinate officers with different assigned duties. The cabinet and its duties are:

i. KURSSUNG (chief): He is the head and administrator look after cabinet and sub ordinate officers.
ii. SENAPATI (assistant chief): Chief assistant and in charge during chief absence.
iii. KHULAK: Look after the villagers
iv. LUNGLAK: In charge of totem stone at the village gate, like animals stone, fish stone, rice stone.
v. YUPAL: In charge of rice bear during functions.
vi. KHANGLAK: Advisors of male youth.

Subordinate officers and their duties.

i. RUITHIL: Assistant advisor of male youth
ii. KHEIRAK: Mediator of any dispute
iii. RAMRAR: Controller of land and forest in the village
iv. TONGPRA: Assistant to Ramrak
v. MEITRAMPU: Fire controller
vi. LANCHINGP: War commander
vii. SHANGLAK: Administrator of boundary and paddy field
viii. CHOMDAAR: Checker of cabinet and subordinate officers' receivable share.
ix. PHOMCHANPA: Seat arranger

x. MATRI: Information collector

xi. KEIRUUNGPA: Village paddy storage keeper

xii. KEIRUNGHANA: Assistant of Keiruungpa

xiii. SHILLUNGPA: Treasurer

xiv. SHILLUNGNAHA: Assistant Treasurer

xv. NINGOLAKPA: Women advisor

xvi. THLOUKHAL YAIMI: House holder yet to become cabinet and subordinate officer.

xvii. CHANGROI: Peon/chowkidar

Like Taro tribe, almost all of the Naga tribe in the Chandel district like Anal tribe, Lamkang, Maring, Aimol, Moyon etc. have such portfolio with some variation of the post. Such division of department works more efficiently and smoothly in the village council, and its administration is democratic in nature. Thus the village Chief in no circumstances cannot be autocrat.

The village council deals everything like social, economic, political and religious issues. All these are deal and governed under strict customary laws. Unity, integrity and adherence to customary laws is the binding forces of their survivor, that is why in time of peace and in time of war, the village state government can stand as one and exist from centuries till now.

3.3. MARRIAGE

For the procreation and continuation of human being marriage become necessary and part of our life. Therefore marriage practice has been there since the day God make man and women. The traditional Naga society takes marriage very seriously because wrong marriage not only ruins the family but remains the stigma forever. Therefore, elders and parents of the tribals in traditional time advised the youngster and their children not to be

easily carried away by emotional and physical feelings and desire.

All the tribal community particularly Nagas prefer the line of marriage of their son to mother's brother's daughter (MBD). In other word, cross cousin marriage. But not father's sisters' daughter. Lamkang call cross crossing marriage (MBD) as "MNEYJOR". They are so particular and strict to maintain such desirable marriage line that, whoever breach this customary practice is called 'RAODEK THUN', it's literally means "breaking of chain". Such person even after his death, his grave is differentiated from others by erecting a spear and on top of which a male's cloth, LIKIN is placed. This signified that the deceased is a law evader, so all the Nagas community in Chandel district like Aimol, Anal, Chothe, Lamkang, Maring, Monsang, Moyon and Tarao prefer cross cousin marriage. Incest marriage (marriage of close blood) or some phratry/clan is out rightly rejected and discourage by the society.

Anal have three type of marriage namely

1. Vanu Vapa Poithompa: Arranged marriage
2. Vada Narel Ado: Love marriage
3. Pom Luhong: Secret marriage

The Anal marriage ceremony has a long process. When the boy indicated a particular girl for marriage, the boy parents along with close phratry went to the girl's family and negotiation started. If the girl's parent has willingness, it is indicated by giving a rice beer called JUHA, which is also known as 'Juha ceremony', this is more or less engagement. And a date is fixed for ZUPUN and this is more or less marriage ceremony. On the appointed day the boy along with his friends and relative went to the girl's family and have feast along with

neighbor. From this time onward the boy remains in the girl's house for three years and help all the possible way to his father in law family. Apart from that, he has to give another pride price known as "MIN" which is equivalent to the price of one pig. As a mark of finishing a service of three years the parents of the boy celebrate the freedom as HMALSA and here a MITHUN and KANGTHE (a big Dao) are again given to the girl's parent and in return sufficient properties are given to the boy's family. After Hmalsa, CHALHA, a feast is offered by the girl's family. Thus Anal marriage take a long process.

Apart from prohibition of incest marriage, Tarao has restriction to marriage to sudden clan and sudden clan has to marry a particular clan e.g. Krimsha boy to marry Khulpuin girl and Khulpuin to marry Chanasha girl.

Tarao used to pay bride price as one mithun or one Gong of the size of 8 feet, and one pig is to be given to the village court. If the boy did not give the pride price he has to serve the father-in-law for six years and it is called "MEILOH-SHEH".

For the Maring, if the boy and girl elope then there cannot be any more marriage ceremony. The Aimol marriage has three stages. In the first stage, during the night the boy family went to the girl family to seek her hand for marriage. The second engagement is fixed which is usually after 10 to 20 days which is done in daytime. On the third stage, about 2 to 3 jar of wine are arranged and, on this auspicious day, the groom and his party came at the residence of the pride. It is more or less formal marriage which is done in simple way. The connubial tie is knotted; it is performed in joyous mood with drinks. Then the boy is left there to serve the girls family for 3 years after that both return to natal residence.

The Maring marriage ceremony is of two types. The first one is known as NUREI/TULSOR celebrates grand, elaborate with feasting. The second one is known as KHULPAM-SHAPAM/KHALEM/ CHILAM. This is done in very simple way, without elaborate function. There is pride price given to the mother-in-law which is called "NUMAN" which means "feeding charge of the mother". These days, now about Rs. 20,000/- are given as 'Numan'. Most of the Nagas in Chandel district have no restriction of levirate, both senior and junior levirate are practice.

The Lamkang also have two type of marriage. First is socially permitted system and is called "PAOKEPTLENG" or nowadays it is known as 'CHAKOPSOW which means taking tea or with tea, which is a formal marriage. The second one is called KACHENTHI which is elopement. Firstly when the boy family went to girl's family for her hand and if tea is served then it means accepted. After marriage the boy have to stay with the girl's family and serve there for 3 years. Such are different type of marriage of Nagas in Chandel district.

3.4. DIVORCE AND SEPARATION

Man and women entered into wedlock through formal marriage or informal, through elopement, to live as husband and wife for the rest of their life. In the engagement, or marriage they vowed to be united throughout their life. The society, the family members and their children feels sad when there is divorce. But in spite of all this social disapproved divorce too happen everywhere. Among the Nagas, although divorce is rare it too happens sometime.

For the Tarao Naga, divorce is not the monopoly of the male only, but female can also initiate to it. If a man divorces his wife, he should pay a big plot of jhum field

and Rs. 30/ (in the past). In addition to that the village elders will take a pig and rice beer from the husband. If the wife who seek the divorce, she must return all the expenditure incur in their marriage and the bride price of Rs. 70/-. And she also has to give one pig and rice beer to the elders as fine. If she didn't pay then she has to pay Rs. 1 each to every family of the village. If they have children then it belongs to the father. In case of breast feeding baby the mother will look after for some years and return to the father but the father have to pay some money for taking care of the infant baby. In case of both husband and wife agreed to divorce on will, each one of them have to give a pig and rice beer to the village council.

Maring also accept divorce on valid reason in case of divorce, the children belong to the father but if they have breast feeding baby, the mother will look after for some time and after some year the child is return to the father. Lamkang also although divorce is rare it too happen. The initiator valid reason is always study carefully and judge and fine accordingly. In case of mutual agreement, no fine is given to other accept to village council for acknowledgement of separation.

The Aimol also, divorce and separation is rare, but there is provision and it too happen sometime, and the first initiator has to pay fine. If the husband wants to divorce his wife he has to pay a pig which is not less than 5 feet of its size one pot of rice beer and women necklace. If wife want to divorce his husband she also have to pay fine. In case of separation the children both boys and girls belong to the father.

3.5. INHERITANCE AND SUCCESSION

Naga have patriarchal society. The family decent is trace through male. Most of the Naga accepted adoption

of child as his son. Children are name after male clan. The father's clan is maintained through his sons. However there are some tribes of Naga in Chandel district where a matrilineal influence in the family decent system is try to maintain that a tribe like Aimol, the first child of couple is named after the descent name of the mother's family of orientation.

But primogeniture prevails in Aimol society. The eldest son of the family, inherit properties of his father. Women have no right to inherit and succeed like man. However a divorced women, who has returned to her natural residence is allowed to live with her male siblings.

For Lamkang, ultimo geniture is the rule of inheritance. The heir, generally the youngest son gets the house suitable plot of land and other movable properties also. In case of no male child of the couple, the movable and immovable properties are inherited and succeed to the nearest family son. Women have no such right. They can hardly inherit the parent's property particularly immovable, landed properties.

Lamkang also accept child son adoption and once he is declared as his son, his properties including immovable landed properties can also be inherited.

Inheritance and succession of Anal is also through male line. Like other Nagas, Anal women also do not have the right to inherit and succeed the properties and position of the father.

The Tarao customary laws of inheritance permits only male to inherit the parent's properties. Female have no right. In case of no son in a family the nearest male heir will inherit the properties. The Tarao tribe values the ancestral properties and inherited properties so they do not sell them. If there is no male child to inherit both

ancestral and inherited properties it will go to the nearest male relatives. Even if the parents are willing to part some of its property also, if the male legal inheritor did not agree then the parents cannot give it away to their daughter. However if the male inheritor agreed then even landed property like paddy field if they have enough, one of them can be given to the daughter. But they make it sure that the property is not of ancestral inherited one.

3.6. PARTITION OF PROPERTY

The Naga society follow patriarch and predominantly most of the Naga tribes follow primogeniture. Obviously the male children get almost all of the parent's properties both movable and immovable, particularly ancestral properties are not parted with women. Immovable properties like forest, paddy field, jhumming field, houses and plot of land for housing etc. are only given to man. In case of no son in a family, the nearest relative son will inherit the landed properties. Women may get the properties of the mother specially, ornaments, costumes etc. of ladies uses and properties. Ornaments of costly properties like necklace, bracelet etc. can be given to their daughter with the agreement of the family. Some tribes like Tarao and Tangkhul, some land can also be given to their daughter but those properties should not be ancestral and properties inherited by the father but a property that are bought recently by their parents. In such condition also, it need the approval of the male family members or nearest heir of the family. Properties in cash and in kind like domesticated animals like buffalo, mithun, cow, etc. can be given to their daughter.

Regarding sharing of family properties to their sons among the Nagas, there are two systems. The first group are those who gave their family properties maximum or

the best to the youngest son and the second group of Naga tribes whose practice is that, they give the best and lion share to the eldest son and so on, and the younger brother gets lesser and the youngest get the least. Both these systems have pros and cons and they justified their practice accordingly.

Many of the Naga tribes living in Chandel district practices the first one like Anal, Lamkang etc. For them the youngest son gets the most of the family properties mainly, the original house of the father goes to the youngest son. The elder brother after getting married established their new house with the help of the father and separated them. The youngest son look after the parent and stay with him that is the reason the original house and some of the best properties particularly landed properties goes to the youngest one.

The second method of practicing, sharing family's properties of the Nagas is that, the eldest son gets the best and lion share of the family properties. Such are practice by Aimol, Tangkhul etc. This group of tribes justified their practice that , the eldest son being the legal inheritor of the father and the clan and the most responsible person of the family, who look after aged parents and younger brother and sisters, he deserve the best so it is given to him. Most of the tribal couple use to have many children. When the children are still very young, the parents become aged, too old to look after their younger children, here the eldest son have responsibility to help and look after their younger siblings. Moreover in Tangkhul society, the eldest son and daughter are call "Amei-Achon", this is a title ship of a high status in the society base on, by birth, which is highly respected. A royal family, village chief, his wife, prince, princess and all the Pipa (eldest of the clan) are call and address as

"Amei-Achon" Such title ship holder who aiso has responsibility to look after parents and younger brother and sisters etc. are needed to be economically sound too. That is another reason, the eldest son of the family gets the best and lion share of the families properties.

The advent of Christianity, western culture and Modernization has brought changes in the concept of the partition of family properties as per customary practice. A system of more rational base on equal treatment is done. Women also get more of their share, but still, comparatively the man gets more than the women. And it seems that in spite of modern wave like liberalization, modernization etc. for the Nagas, patriarchal and primogeniture is here to stay.

3.7. CRIME AND ADMINISTRATION OF JUSTICE

The Naga customary Laws are unwritten, but it is effectively working from the ancient traditional time till now. As the tribals are laws abiding citizen, and since there was a sense of rule of laws, in the village state administration of their social, economic and political life, there is not a single stage or period of time where the rule of customary laws are challenged or threatened. This shows the validity and integrity of the customary laws. One of the reasons for its validity is that they make it simple, honest and sincere in its interpretation and implementation. Therefore it does not become complicate and confuse it.

No matter how much the customary law or modern law may be strict and rigid, there is always someone who has in one way or the other there is breach of law. Here it is not the problem of Law but the problem lies with the human being. This crime and breaches of different set of norms need to be corrected and punish or else

society cannot survive. Nagas therefore in days of yore has a way and sense of administration of justice. Some of them are given below.

When there is breach of law by committing crime or thief etc. and when it is brought to the notice of the village council. After hearing the case witness and other related documents are examine and the verdict are pronounced and if needed impose penalty or fine and the case are settled. But when the case cannot be solved in the village court due to lack of evidence, witness or complication of the case, Naga have a peculiar way of administration of justice through oath and Ordeal. Such verdict is readily accepted by all without any complain.

Justice through ordeal practice by Maring is

i. Drinking of Paddy soaking water.

ii. Drinking of Ashes solution water.

iii. Drinking of Cow fur soaked water.

iv. Spreading or throwing of ashes each other.

v. Water emersion.

To do such ordeal the accused and the accuser will take oath in the name of god to punish them if they are wrong and they will perform the act. The ordeal of the above given SL.NO 1to 4, a certain time/period is fixed usually one year and within that year, if any misfortune like death happen, he is consider as offender and looser. Regarding water emersion, the result is shown immediately. A person who flooded first is considered as looser. About throwing of Ashes the accuser and the accused will hold a powder of ashes and stand facing one another and after taking oath swearing in the name of God saying "May you become like this ash (death)if you are wrong". This is a statement of cursing one another and the ash are spread /throw to each other.

Lamkang also do similar kind of ordeal for administration of justice through customary laws. They practices (1)water emersion (2) drinking water of diluted feces of mouse (3) Drinking charcoal water (4) biting Tiger tooth (5) biting or drinking thunder bolt stone (6) drinking paddy husk water (7) spreading or drinking ashes etc.

Aimol also perform and practice similar ordeal taking oath in the name of their deity. Some of the ordeal that they practice are (1) Biting the tooth of a Tiger (2) biting the edge of Sabre (big knife) or Holly book (3) drinking paddy husk water (4) biting or drinking lightning stone (5) drinking Charcoal water etc. After the result is showed the offender or looser is punished accordingly

3.8. PENALTY AND MODE OF PUNISHMENT

Penalty is a punishment for breaking a laws, rules or contract. It is something unpleasant suffered as a result of action. There is various ways to deal any problems as per customary laws of the Nagas. when any crime , thief ,destruction of properties etc. are committed or when there is breach of any sets norms or customary laws by any person, the tribal customary laws has all means to settled them. And if the case is beyond their reason and means to settle they referred it to the supernatural power, their deity and god, swearing and taking oath in their name to do justice by showing in form of punishment. Therefore for tribal there are no cases and problems which cannot be solved.

When a perpetrator and offender are established and admitted the crime, he is not set scot free, but penalty is given as per nature of the crime accordingly. The awarding of penalty as per custom of Naga is just and uniform. There is neither leniency nor overburden the

culprit when giving punishment. Their mode of punishment is uniform, simple clear and straight forward. Some of the penalty and mode of punishment practice by Nagas living in Chandel district are.

The Lamkang, when there is a crime like homicide, they first examine whether the death is caused by mistake, accident or done it deliberately with intention. In case of accident, he is imposed fine to compensate the death and one animal mostly pig or buffalo is given to purify the crime and he is allowed to stay in the village. In case, if the murder is done deliberately than he is fined heavily and expelled from the village. If he did not give fine his properties are confiscate. In case of thief the stolen properties are returned and one more pig is fined to purify the act of trespassing. Lamkang consider incest as a crime of not only him but against the community / village as it breach the custom of the village. So they are separated and fined with big animal mostly buffalo. In case of rape he is heavily fined in cash and one more four footed animal in good size is imposed as fine.

Regarding Maring tribe, on mode of punishment, about thief, the stolen good is return, compensates the damage and imposed fine. If he/she becomes a habitual thief character the person can be expelled from the village. About animal thief he has to repay five times. In case of rape the culprit has to pay whatever things or amount demanded by the girl (victim). About adultery they can be killed at the spot, and the seducer will have to pay heavy fine on top of it, the biggest pig or bull available in the village is taken and the seducer adulterer will have to pay for it. Other crime and the breach of customary laws and practices etc. are usually fine in cash or in kind, like pig, buffalo, rice beer etc. and compensate to the righteous person. But if the crime is severe he is expelled from the village.

About Aimol, on thief and trespassing the culprit is made to compensate the damage, return the stolen goods, and fine heavily. Abduction for marriage is fine with a cow five pots of rice beer and Rs. 30,000/-. Adultery is taken as serious crime both is heavily fined and the stigma of such shameful act remains forever. Aimol seldom easily forget such act, still the past incidents of such shameful act are talk as if it happened just recently. In short Aimol tribe punish the guilty person by imposing fine even confiscate properties or ex-communicated according to nature of the crime.

According to Tarao custom, Incest is taboo which they call it "KYUR" If such occur they are fined with a cow each and separated. For adultery they are fined Rs. 500/-(in the past) and one pig and a pot of rice beer which are given to the village council. According to Tarao Polygamy is forbidden. If any person practice the village council imposed fine of two pigs, a pig and a pot of rice beer will be given to his legal wife. If the culprit did not obey and respond to the penalty, the village council can do whatever they like.

The mode of punishment and penalty given to the offender of Nagas living in Chandel district may have some variations from tribe to tribe. But all this punishment is done under the customary practices of the past and with uniformity and sincerity. Hence without any complain the offender readily accept and responded the punishment as per verdict.

3.9. OMENATION AND DIVINATION

The natural phenomena are not just mere objects for the tribal. They impart immense dynamic and wisdom. They believes that, those natural object reveals and disclosed things that are going to happen to him through

the super natural power, when we observe and listen to them carefully. Thus the tribal people observed and listen carefully to the natural objects like, birds, animal etc. to reveal them and know the future through the omen and divination. Thus whatever they do they always look for strength, guidance, inspiration from these sources. Thus omenation and divination has great impact on the life of the tribal people particularly Nagas.

According to H. H. Presler, Omen is "any phenomenon believed to have supernaturally inherent potent". Omen is more or less a warning and not immediate event. It is a kind of indication that something is likely to happen. This observation of the coming events is call omen. On the other hand divination is the practice of fore-telling the future with supernatural aid. It is believes that through divination, the supernatural will reveal the future. The tribal believes such phenomenon and practice them in the yore days of the Naga traditional life.

Some of the omenation and divination practice by Nagas living in Chandel district are given below.

One of the omenation of the Maring tribe performs was, a sizeable pig is taken to a secluded area and after the priest invocation to the deity, the pig is killed by rice pounding stick by pressing both the stick from opposite side in the neck to let it die in suffocation. After it, the priest cut the pig and meticulously observes the entrails. When there is any dark spot or unnatural things in the entrails through which the priest predict the omen. The second omenation of the Maring is through cocking. In this process usually there is a particular place for each village to perform this omenation. A priest will take with him an earthen pot, and a couple of handful of rice. After reaching the place and invoking in their deity to reveal the coming year, the priest cocks it in the earthen pot.

When overflows, in the time of cocking it is predict that the year is going to be wet and flood may occur. If the cocking is of dry then the year may be dry and drought may happen. Maring also observes omenation through birds like crow, dove etc. They also seek divination through egg, chicken leg movement etc.

The Lamkang also hear and observe natural object like birds and animal sound etc. as part of omanation, the most common divination of the Lamkang is chicken leg movement divination. This is done for many purpose and occasions, but for marriage it is more or less compulsory before performing this omenation, they do not start negotiation for the girl hand or marriage. The father or the priest will address to the god of heaven and earth to reveal the omen for the marriage proposal. After revealing good sign only then, they proceed for next step. The process of chicken leg divination is simple and result is instant. The chicken neck is tightly held with the hand in the hang position kill it by suffocation with throttling. If the right leg of the chicken placed over the left than the omen is good if vice versa then it is bad.

Anal also believes in omenation and divination. They also observe and hear the sound of different object and birds and animals for omenation. One of the divinations which are must for newly village settlement is egg divination; omen is taken on boiled egg. After only when the omen is good and favorable the village is founded. Tarao tribe, one of the omenation is called PUNGSHANG HANG. 'Pung' Means Mountain, 'Shang' means high and' hang' means climb meaning climbing high mountain. This is done in the month of April to see the condition of the coming year from the deity SANGKU. The priest will climb up on the mountain where there is a statue firstly the priest will clean the surrounding of the statue.

Then he will left up the statue and put down on the ground for a while and observe the place where the original statue was rest. If he found egg of an ant, it signifies a good harvest. If the egg is of a big ant it signifies war and if the place is found moisture or wet the year will be trouble and famine may occur. Any plant, grass, root signifies natural calamity and any insect signifies fish animal etc. After meticulously observing it with interpretation, the priest will offered cooked food of fish or dear meet or chicken meet with rice beer and after invocation, he will climb down to village and announced through the headman of the omen that the deity SANGKU has revealed.

Again one of the divinations of Tarao is known as CHILPU. This is through the observing of the flow of broken egg. In the village administration there are six cabinet officers and another seventeen subordinate officer. These assigned posts are more or less permanent. After only nearing his death or too old to hold the post, it is given to his eldest son or to the eldest son of the clan or kin. When a person is about to hold the post this egg divination is done. Before the sunrise the person who is to be appointed will face towards the East in a seating position by placing egg on his feet. The egg which is broken is to be observed to which direction it flow. If the fluid flows forward it is a sign of good omen in his ministry. If it flows towards left it is bad and the work may be slow. If it is on right side it is good it will be strength courage and prosperous. If it flows in backward, than the omen is bad which means unprosperous. Believing and depending on such omen and divination the Nagas in their yore time lives their life.

3.10. RELIGION AND BELIEF

The religion is belief and worship of God or gods to super natural things, sometimes it is beyond our reason to comprehend and know it. It is more of a faith system of psychological and spiritual, rather than physical and rational reality.

The tribals since, the earliest time they belief in existence of Supreme Being. Although there are no written dogmas as such their belief in Supreme Being and other deity are expressed in their song, rituals rites and customary laws. The Tangkhul call the supreme god as AMEOWO, the Anal call it ASAPAVAN, Tarao call it RAPU, Maring call it DUNPU, Lamkang call it TURNAM etc. they believe that supreme God is the creator and sustenance of heaven and earth. The tribal people also believe and worship many gods and deity. They also believe in evil spirit and good spirit which causes sickness and suffering. Thus they worship it for appeasement, so that no harm is done to them. The Anal traditional religion is a mixture of superstitions, morality and sacrifice. Asapavan is supreme God; he is the creator and Lord of the universe. Again they believe that there is another two gods CHUWA and KHAWA. Chuwa is the god of Earth and Khawa is the god of heaven. Again according to the Anal believes there is another lesser god like god of the sky, household god, and deities of the Earth. Again it is divided into many deities, like deity of the village, deity in charge of forest, god in charge of animal's god of mountain and god of valley etc.

According to Anal traditional religion, soul is created and given to us by the supreme God Asapanan. The soul does not die but it goes to the land of death. They believe in the rebirth of man. A person who dies of unnatural

death cannot have reincarnation or rebirth. There is concept of heaven call PAVAN where the supreme God lives, but the death of human being does not go to heaven since it is the dwelling place of Asapavan.

Traditional Tarao people believe in three important being.

i. RAPU : He is consider as Supreme God, who is also creator and sustenance of the universe.
ii. SANGKU : She is consider as goddess, she was their tribe women and was the savior from fire and blood; thus she is worship.
iii. RAMNAI : Ramnai is not god but it is spirit, mostly evil spirit. Tarao believes in the existence of evil spirits which causes sickness, or any kind of death or suffering. Therefore to appease him from causing any sickness and disturbance to ward away, they sacrifice animal and other.

Tarao also believes the existence of soul and said that soul did not die and continue to live happily or otherwise according to his deeds on earth. They also believe that animals and plants also have soul. Therefore on someone death an animal is kill so that the animal soul may accompany him.

Lamkang also have many gods and deities. The Supreme God is known as TURNAM, they also believes in the existence of spirit known as PAMKRUNG, this evil spirit causes sickness, death and different kind of disturbance and suffering. So in order to get rid of it, they worship him in a form of appeasement so that no harm is done to them.

The Aimol also believes in many deities and spirit like KHO-PATHIAN; a village deity IN-PATHIAN; house deity. They also worship SAILING and BONGLEI whom they

consider as the protector of village and also worship, CHAHOU PATHIAN, deity of agricultural and paddy. NISO, a deity of prosperity and peace. Aimol also worship ARKUN PATHIAN, goddess of human fertility. She is mostly worship by the women community of the Aimol tribe.

The tribal mostly, the Nagas although their concept of God, religion, soul and heaven etc. are not that clear, they worship them with faith and believes. This primal religion is mostly based on superstition morality and appeasement policy so that no harm is done to them.

4

Customary Laws and Practices of Nagas in Senapati District

4.1 SHORT PROFILE OF NAGAS LIVING IN SENAPATI DISTRICT

Senapati District

Senapati District was earlier known as Manipur North District. However, in 1983 it was renamed as Senapati District. It is the fourth largest district of Manipur. It is located between 93.29° and 94.15° East Longitude and 24.37° and 25.37° North Latitude and it is in the Northern part of Manipur State. The district is bounded on the east by Ukhrul District, West by Tamenglong, North by Pehk District of Nagaland and South by Imphal District. It lies at an altitude between 1061 miter to 1788 miter above sea level.

The area of this district is 3269 sq. Km and the population as per 2011 census is 354,772. The district has a population density of 109 inhabitants per square

kilometer. Its population growth rate over the decade 2001-2011 was 25.16%. Senapati has a sex ratio of 939 females for 100 males and a literacy rate is 75%.

This district has humid sub-tropical climate. The soil is moderate with clay loam soil, which is suitable for varieties of crops. The temperature range from a minimum 3.4°c to maximum 34.1°c. The annual rainfall range 670 to 1450 mm.

This district has 6 police stations and it is divided into the following sub-division.

	Sub-Division	Headquarter
1.	Mao-Maram	- Tadubi
2.	Paomata	- Paomata
3.	Purul	- Purul
4.	Kangpokpi	- Kangpokpi
5.	Saikul	- Saikul
6.	Saitu-Gambhazol	- Gamnom-Saparmeina

The major inhabitants of this district are : Mao, Maram, Thangal, Poumai, Zemai, Liangmai, Rongmai, Tangkhul, Meetei, Thadou, Nepalese, Vaiphei, Chothe, Chiru, Maring.

4.1.1. Mao

Mao is a Naga tribe inhabit in Senapati District of Manipur. The name MAO is derived from one important village of their area. They are also known as Quasi-Angami Naga as they have many affinities with them. The total population of Mao as per 1981 census is 43,917. They are Tibeto-Burman Stock, having light brown skin.

According to their myth of creation in the beginning, there was a women name as Dzille Mouro at Makhel. One day while she was sitting under a banyan tree the spirit of Onamei (God) appeared her in the form of cloud and she was over shadow. Later she was conceived and gave

birth to their sons name as Ora (God), Okhe (Tiger) and Omei (Men), and it is said that we are descendant of them.

Mao Nagas construct their houses with ritual and giving feast to the public. Their houses are decorated with woodcarving, which includes the figures of human head, animal, sun, moon, etc. this wood carving has a meaning. In the earlier time like some Tangkhul, they used to roof their houses with plank.

Traditionally the status of man and women is shown by their dress. Mao men folk wear Khupidekhu, which has the figures of animals. They also wear Hososa this is worn by man who have posse's social status by erecting of Megaliths etc. Mao worrier costume is more appealing and handsome. He wraps a kilt and a piece of cloth across his chest, a calf band and holds a decorated spear, and a waist band knot and the two end dangles in front of the waist. The women too wear elegant short black blouse and a cloth wrapping with sleanding passing under the left armpit and knotted on the right shoulder. She too hold spear and both man and women wear earrings made of cowries and hair of horse. She also wears armlets, which are coiled up made of lead (white metal) and brass wristlets.

There are four clans namely:-

1) Doe, 2) Kopumai, 3) Yena, 4) Bekomi

The administration of the village is exercises under the leadership of village chief (Khulakpa) in democratic ways. For disputes oath on earth, oath on axe, or cat etc.are practice. They have rich social and cultural heritage. They believed in many deities among them the deity of death Pekujikha is one of them. It is believed that after death the soul combat with the deity of death; if not

win the combat he will be enslaved by the deity. For this, they put spear in the grave of the death.

4.1.2 Poumei

Poumei is Naga Tribes predominantly inhabiting in the Senapati District of Manipur State. Poumei are spread in about 100 villages, and is mainly divided into three blocks. 1) Paomata, 2) Lepaona and 3) Chiltivai. The language spoken by them is known as Poula.

According to 2001 census the population of Poumei is about 1,44,505 they are also settle in Nagaland state. In 2003, the government of India recognized Poumei as one of the distinct tribes of Nagas.

With regard to origin or migration of Poumei according to folklore, it is said that one of their ancestor thrust his walking stick on the ground in Makhel before they were disperse from this original village. In due course, of time, the stick rooted and sprouted into large tree and they call it "Khyataobe", the people of Nagaland call it "Tenyimia". This tree which still exist become a "Totem" trees and hold this tree in reverence till today. In case of breaking its branches they observe genna with solemnity forbidden the people to work on that day. As the time goes by the people migrated from this place to different direction some in Nagaland, Manipur, and elsewhere. However, most of the Nagas traced their dispersing place as Makhel and the three as their Totem.

Every village is more or less independent which is rule by Mave-O (Chieftain). The village council is represented by the elders of every clan. The village chief takes decision according to the wishes of the people. Therefore, the administration is base on democratic norms hence he is nominal head only. There is dress code where only rich and people who have thrown feast of merit to the people can wear sudden cloth (Shawl).

The father is the head of the family they follow patriarchal system. They have rich social and cultural heritage.

4.1.3. Maram

Maram is one of the Naga Tribe who mainly settle in Senapati District of Manipur. According to 2001 census, the Maram population is about 37,340. Since they have close affinity with Angami Naga of Nagaland maram is also known as Onasi-Angami Naga. The name Maram is taken from one of their village name in their area.

According to their folklore about this cosmogony, Paramhaba (God) created heaven and earth and joined them in the horizon. He also created the entire creature one after another. It is also said that God created man in his likeness and name him Mediingkasii and also created women name her as Samotingdungpui. By union of them of the first man and women born three sons namely 1) Marambungsa (the eldest) 2) Makikangba and 3) Sanglang. The eldest brother had four sons and they are the progenitor of the Maram and the four sons become 4 clans of Maram. The Maram society is divided into 3 exogamous social groups, which is again sub-divided to lineages and sub-lineage. The three clans are 1) Ngakukui (Lower Section) 2) Dikakuina (Chief's Group) 3) Rangbung Raiyinamei (Upper Section).

Like Tangkhul, the Marams villages do not speak the same dialect, although understandable they are different, they are constructing to make a common language based on the spoken language of Maram Khullen.

Maram Khullen is the biggest and oldest village of Maram. They are trying their best to preserve the rich cultural heritage of the Maram. Willong is another village, which is still preserving cultural ethos of the Maram tribes.

According to Maram custom when a child is born the baby is remain indoor for ten days. They still maintain age-old tradition of Kingship.

Maram Naga has many deities like Akirkot (House Deity) Sara kachinu (Deity of Oath) Powmungba (Wind Deity) etc. and Paramhaba is the supreme God. They construct a house into varieties depending upon their status. Such as (a) Sbaki (simplest without ritual) b) Ratsangki (Roofing with thatch reaches the ground) c) Karatki d) Akikah e) Kinaboi (adorn with horn) f) Ziileki (Several gennas are associated to construct it) g) Raffiki (Roof with plank) and h) Pungtaki (Highest form of house). Their main festivals are 1) Ponghi 2) Kanghi 3) Rakakkou and 4) Mangkang, this is woman biggest festival Maram have great respect for women.

4.1.4. Thangal

The Thangal, also known as Koirao is one of the small tribes of Nagas which mainly inhabits in nine villages of Sadar Hill Areas of Senapati District. The Villages are 1) Thangal Surung 2) Mapao Thangal 3) Makeng Thangal 4) Tumnoupokpi 5) Yaikongpou 6) Tikhulen 7) Ningthoubam 8) Mayangkhong 9) Gailongde. According to 1981 census, the Thangal population is 2132.

The Thangal are well build medium in height with whitish complexion. They speak a dialect, which is similar to those spoken by neighbor Naga tribes like Maram, Liangmei and Rongmei etc. The women wears a dress known as mikikeapthoi a skirt and shawl known as Tangkol, where as men wear Khominei as loin cloth and a pieces of cloth known as Chakrei across his chest.

The legend story of Thangal said that they emerged from a cave. It is said that there were three brothers whose parents were unknown. The eldest brother was

the originator of Thangal Tribe and the second and youngest brother are progenitors of Tangkhul and Meitei.

The Thangal Society has 17 lineages some of the oldest one are 1) Kadii Kiimei 2) Payei Vaomei 3) Syong Duimi 4) Payot Naomei and 5) Diibung Naomei. From this, lineages other are splitted. The Thangal preference of marriage is on the line of mother brother's daughter (MBD) which is the common practice of Nagas. Thangal are very strict in incest.

The village chieftainship is hereditary and the village authority and administration is fully vested in a village council. The council consists of 1) Village Khullakpa (Chief) 2) Luplakpa 3) Kangpara 4) two Tans. In their traditional practice, the village chief was only to be from Kadei Keimei lineage, which was, considered one of the oldest lineages of the Thangals. However with the passing and implementation of Manipur village Authority (Hill Areas) Act 1956 things have been changing.

Thangal observe and celebrates many traditional festivals. These festivals are related with socio-religious belief along with agriculture significant. Like Hindu and Muslim the fixing of the day of festival depend on the full moon. However the fixing of days of festival considering full moon is less of its new moon or full moon significant but more of calendar days counting though full moon. The observed festivals are 1) Kapha, it is observed for two days worshipping Keirongraiba, for health and prosperous society, which is in the month of May. 2) Imphoi Dangnit, this festival is observed in the month of May-June, to worship god to protect the seed grain from pests, insect and birds, 3) Janghei, this is also observe in the month of May-June for two days to drive away evil spirit, 4) Malangathou is observe in the month

of June-July, this is a ritual festival for calling in the soul spirit of paddy, 5) In the month of July-August, some selected performer cut the grass at the main gate shouting and chanting to get away of bad grass etc. On this day to each household had to cook chicken, the next day, they may start cultivation. 6) Malangathou is observed in the month of August-September. This is a ritual festival for calling in of the soul of paddy and for prosperous harvest. 7) Naogagathou genna is observed in the month of September-October. This is festival to worship house deity, Khumdung worshipping for the well-being of these children. 8) Phouraiba, a granny deity is worship by offering a single colour roster with wine this ritual took place in the month of December-January. 9) A ritual observation for the departed soul of the proceeding years are observed in the month of January-February. 10) Giphiyotangatha, a ritual for weapon and sharpening is observed every year on the first and second day after the full moon of February-March. 11) Linhut Dangsit, a seed sowing festival is observed and performed on 24th day of Keithaka (March-April) of every year. This rich cultural heritage of the Thangal is ignoring day by day because of the spreading of alien culture into this domain.

4.1.5. Chiru

The Chiru are Naga tribes who mainly inhabits in Senapati, Tamenglong and Churachanpur Districts. According to 1981 census, their population is 3,664. The tribe name Chiru is derived from their historical settlement side call Chibu.

They have six exogamous clans they are 1) Chongdur, 2) Dingthoi, 3) Daula, 4) Khorong, 5) Sanpar and 6) Rhaja.

The Chiru culture is unique in many way, they live a community life, right from their birth an individual is

belong to the community. At the age of 8 years, a male child enters Leibak, and after completion of 3 years, he may use clothes and approved as youth. By the ritual performance of Samyok, a girl is not allowed to grow long hair or wear cloth. However after a ritual she is allowed to wear cloth and grow hair, the girl usually cut her frontal hair horizontally just above the eyebrows, which was also practice by the Tangkhul and the Meitei. This signifies that she is grown up girl ready for marriage.

They practice monogamy and divorce is prohibited. In order to have a wife a youth have to serve in the house of the bride for about 3 years but he has to sleep in Khangsen (Dormitory). After completing serving in the house of the deserve father in law for 3 years on a selected particular day of their convenience he is publicly announced as the husband of the girl. From this day onward he has right to sleep in the bed of the girl. After three days of the marriage, the couple resides in patrilocally, such marriage is known as Arthalong. If the parents of the girl have accepted the marriage proposal of the boy and if the girl rejected it, he may capture her such is known as Nungakkai in such cases service to the natal home is relax.

Now a day service in the natal home is rarely practice but a sum of Rs. 1000/- or more is given. Moreover, if the girl is kidnapped/eloped for wife a mangkat (Bride pure) of Rs. 15,000/- and a big is given to the bride family. For Chiru tribe marriage involves inter clan link. To take a wife one has to take from particular clans and likewise a girl is given to a boy to a particular clan as allowed by the custom. There are 5 clan with seven lineages in each clan. Another very interesting about Chiru is that each clan has each food taboos for example Danla Clan men are forbidden to take meat of dog, rat, porcupine, etc.

The administration of the village is headed by the village Chief (Khulakpa) who is hereditary. All village administration is done democratically. In the earlier days, the portfolio of the ministry is permanent of a particular clan eg. Khulakpa is to be from Danla Clan, Luplakpa is to be from Raja Clan etc. Socially, economically and politically for smooth functioning of the village, the Chiru tradition recognized two social group 1) Uledam (Senior Group) 2) Sairek (Junior Group) all the men folk are to be register in one of the group according to their ages and involve in the activities of the village in time of war, peace, social farming activities or village administration etc.

The most important festivals and related ritual of the Chiru tribes are:-

1) Laipusak this festival is celebrated in the month of January-February by the men folk only. It is about the calling in of the soul of paddy.
2) Lamvaka, this festival is celebrated in December in front of the dormitory house.
3) Darkai, is observed during Jun-July it is celebrated every after 3 years here the children are classified and admitted to the higher stage.
4) Cheiraoba and Sareikhangba are also observed to propitiate the spirits not to harm or bring suffering to the villagers.

4.2 CHIEFTAINSHIP AND VILLAGE COUNCIL

The Tribal people particularly the Nagas of Manipur mostly lives in the village. This village is complete cohesive more or less independent unit, in which their social, cultural and all round development are under this unit so call traditional tribal polity. Hence, the village is the

social, political, economic, and cultural unit. As the village set up and its society is compact well knit together which is govern by strict customary laws people not only fear it but respect it too as the village is independent its customary laws are supreme and dispensation of punishment to the guilty are prompt and quick.

In the village polity, the village Chief is the head of all the administration whether, judiciary, legislature and executive. However, his members of the village council are presented from the elders of various clans. In spite of village chief is hereditary and head of the administration the proceeding and decision are always on the line of democratic norms. Therefore, the political life of the tribes in the village shows and co-exist both democracy and Monarchy.

Chieftainship is one of the most important things of the Naga polity. As he is the head of the entire department and in some tribe he also acts as the priest, his position is the most important in the tribal polity. Usually the first settler of the village becomes the chief of the village. This is practice among Zeliangrong and other Naga tribes of Manipur. If the first settler comes in-group, then the king is selected among the group by reading sign or omens. For Poumais Nagas they will pull a strip of bamboo, examine the split fibers, and predict the omen. The tribal particularly the Nagas feels that in order to become Chief/King he must have the sanction of God therefore he has to see this through omen. To prove that he had the sanction he has to perform certain rites and sow paddy seeds. If it grows well then, he has to see the second test by sowing kidney beans, if it grows well than he has to undergo the third test this is through animal roster/cook. If it roster normally with complete voice passing all this three test than it is consider that he has the sanction of God so he is chosen as King.

For Mao choosing head of the village is emphasis mainly on the personal achievement and integrity. A person who have pious character, physically fit and who is able to afford feast of merit etc. is chosen as king.

Like Tangkhul, the Thangal village Chief act as secular and religious head he acts as a priest. The Poumais and Maos chief also do the same.

Among Zeme, Liangmei, Rongmei and Poumei the village chief is given the highest regard. He is given a particular portion of meat, which killed during the village festivals. The Tangkhul also have such tradition. While cultivating his field or construction of his house the villagers help him with love and respect.

There are some Naga tribe who have customary practice that a chief/king has to be chosen from a particular clan e.g. Thangal Naga Tribes where the king is to be from Danla Clan only.

Among Maram the village chief (Sagong) is the most powerful. It is believes among the Marams that the king is appointed by God. Hence, he is to be obey by all. He is de-facto and de-jure head of the village. All religious matter also without his sanction it cannot be done. The anointed king hardly speak and involve in discussion but it is done through Haomei Clan who act as the right hand man like mantra of the king.

The village council is the highest body of the village from small to the highest is dealt through this body. It act and function as 1) Executive 2) Legislative and 3) Judiciary matters. It acts as the living nerve centre of the village.

4.3 MARRIAGE

Marriage is a socially or ritually recognized union of man and women to establish rights and obligations

between them and their offspring. It is universal practice for time immemorial.

In Naga, society marriage is must. A person who does not marry in his lifetime is consider as curse. According to Tangkhul custom on his death, his body cannot be carried out from the main door of his house but through the sidewall. In the grave the elders of the family will thrust in a rice pounding stick and swear in the name of deity not to have such shame in future in their clan or village. Therefore, marriage for the tribals is compulsory and it is consider as pride for the clan.

Although arrange marriage exist too mostly the Nagas prefer and practice love marriage. In olden days, marriage was simple and inexpensive. In traditional time, marriage took place during the time of spring.

Mao tribe marriage within the same clan is strictly prohibited, as it is incest. When such things happen they are driven away from their village other village of Mao did not accept them to settle in that village too so they often take shelter in some village of other tribes. Usually the pride price depends upon the economic condition of the girl. Immovable properties and ancestral properties are not given to the girl.

Mao tribe does not restrict a man having more than one wife (polygamy) but they mostly prefer and practice monogamy. If a woman conceives out of wedlock, the father of the child is identified and he has to accept the child no fine or penalty is imposed. But if the women have many lover and could not identified the father of the child, it is consider as shame to the clan as well as the village so she is thrown out of the village till the child is born and the baby is abandoned.

Poumei also like Mao they do not allow clan endogamy. The pride price varies depend upon the property they

brought during marriage etc. but one basket of paddy and one spade is usually given. Polygamy is strictly prohibited to the Mao, the first wife has every right to drive away the second wife etc. usually the brother of the first wife (brother in laws) or the family member of the clan forcedly separate the mistress, or the second wife. The customary laws regarding the adultery of Poumai tribes whether adultery with married women, or women betrothed to man in both case women are given more severe punishment than man is.

If a married women commit adultery she is immediately divorced and driven away from her husband house and she has no right to claim any properties including the properties she brought in her marriage. In case of a woman who is betrothed to marry someone she has to give back the pride price to her fiancé. Such adultery shame to the village the offender gives a spotless and without blemish ox to the village a small piece of meat is given to each household as witness and not to repeat such immoral activities.

Maram tribe also marriage within the clan is strictly prohibited. There is no specific pride price now a day some money is given and the two family members exchange shawls and other goods. Monogamy is most desire and practice by Maram but there is no restriction of polygamy. Adultery committed by the husband is taken lightly, but if he commits adultery to a married, women heavy fine are imposed and if they are got red handed he can be killed at the spot or make cripple for life. Adultery by women is taken very seriously her head should be shaved off and sent out from the husband house wearing only inner garments, she is divorced by her husband and she cannot claim any properties from the husband house.

Illegitimate child out of wedlock is not common if so happen the father of the child own it but if the women has many lover and cannot identified the child father, she is thrown out of the village until she give birth in the jungle. The new born child is abandoned to die and she returned home after the birth.

The Thangal also do not approved clan endogamy. They forced to be separated if found to have continuing their relationship they are expelled from the village. It is consider that such act not only bring shame to the clan and village but also defile the village. So village cleansing is done through ritual by offering unblemished blood of an ox and a roaster. After doing this and after the death of the parents they may return to the village.

The pride price for Thangals depends upon the economic condition of the man and women. The pride price is more if she brings more properties. Nowadays it is given in cash and exchange of tradition shawls are also common elopement is discourage and forced marriage is consider as crime which is punish according to customary laws. Polygamy is not allowed and considers it as adultery. If women commit adultery, she is divorced immediately and driven away from his husband house. Henceforth she cannot claim any properties from the husband house. If a husband commits adultery he would be ask to choose one among the two if he choose the 1st wife and remain the same, he has to pay an ox with pure black or white unblemished to the village for performing ritual cleansing of the village. If adulterers have a child out of relationship, the father will have to pay 50 tins of paddy annually until 15 years of age. If a man have sexual relations with a married women when got red handed both can be put to death. Such adulterer

the man will give the pride price, and ox for ritual cleansing and now a day a cash upto 1 lakh is imposed.

An Unmarried woman who has sexual relations and become pregnant and who cannot identify the husband is thrown out of the village by shaving of her hair.

For Chiru tribe marriage involves inter clan link. There are mainly 5 clans with seven lineages each. And each clan has sudden clans for marriage e.g. Danla boy has to take wife from Dingthoi, Sampar, Chongdur and while a Dingthoi boy has to take wife from only Raja Clan etc. Chiru tribe also very strict about incest.

4.4 DIVORCE AND SEPARATION

For the Naga tribes divorce and separation are rare, but sometime such things happen too. For Mao the two main things for divorce or separation is (1) Married women commit adultery (2) Incompatibility between the husband and the wife. In the former one, she is divorces and nothing is given to her. In the later case, if the wife gives the divorce, she has to return the pride price given during the time of marriage. The house and the child will be remain to the husband, but all other properties which both accumulated will be divided into equal half.

Maram and Poumai divorce or separation can be of the following. Adultery, married women adultery is taken more seriously than man. She is divorced if found guilty. Women can be given divorce if she is barren. Thirdly mutual separation due to incompatibility of husband and wife.

For Thangal if the divorce proposal is coming from both sides the properties are divided into equal half. If the husband forcedly divorces his wife, the properties including movable and immovable are divided into half each.

4.5. INHERITANCE AND SUCCESSION

Like Tangkhul Poumai inheritance system is the eldest son get the best and lion share of the property of the father. As soon as the eldest son get married the parents leaves the house and build a new house for his younger brother and so on. However when the parent become old, it is the duty of the eldest son to take care of them. Poumai consider ancestral properties very seriously, hence it cannot be sold off. In case of selling, any properties the knowledge and endorsement from the eldest of the family or relative is necessary if not the sale deed can be invalid. Women cannot inherit immovable or ancestral properties.

Whereas as Mao society follow ultimo geniture form of inheritance, where the youngest son get the lion share of his father properties. If the family have many sons apart from the youngest, lion share the rest is divided and given accordingly. Daughter does not have rights to inherit ancestral or immovable properties but during the time of marriage, she is given some articles or in cash.

Maram systems of inheritance are, the eldest son inherits ancestral properties. The eldest son also get the best properties of the father both movable and immovable and the rest brother share the remaining according to the position of the son. If the couple acquired properties during the married life that properties can be given to the daughter also. If the couple do not have any son the properties particularly ancestral and immovable goes to the nearest relative of the father side. Husband's properties can be transferred to the wife after his death. Usually daughter is not given and immovable properties.

Like Poumai and Tangkhuls, the Thangals follow primogeniture forms of inheritance. The eldest son

inherits the best properties of the father and the rest properties are divided to the sons accordingly. However it is the duty of the eldest son to look after the parents. If the eldest son cannot look after the parent properly, the youngest son look after them in such case the parental house is given to the youngest one. Daughter cannot inherit parents' properties. However, some articles or in cash can be given during her marriage. If the couples do not have male issue, the properties go to the nearest male relative of the father side.

Chiru tribes the youngest son looks after his parents and in return, he gets the house of his father and the lion's share of the properties of his parents the rest are divided among the sons accordingly.

4.6 CRIME AND ADMINISTRATION OF JUSTICE

A good society or polity is not always necessarily measured by the low rate of crime, but it is also measure through how crimes are detected and administration of justice is done to punish the guilty and victims are protected and compensated as per laws. The Nagas customary laws are not written but are well known to all. There is no confusion and misinterpretation according to their convenience because there is rule of laws and justice is their common goal.

Crime is unwanted act of human being, but we cannot do it away easily because each individual has different though opinion understanding and passion. Therefore, until this complexity and abstract of human mind exist crime is here to stay. The Naga society is not acception to it.

However in spite of Nagas society having crime from time to time, they have culture and customary laws to dealt it which administered justice to the victim promptly.

Regarding Homicide (murder), the Mao tribes classified it into two (1) Intentional murder (2) accidental murder the gravity of the penalty depend upon the degree of intention. Any form of murder not only the murderer but also the whole family is expelled from the villages for 7 years and 10 cattle or more is imposed.

In case of Poumai the murder is classified into three categories:

1. Intentional murder
2. Accidental murder and
3. Murder in self-defenses

In case of the previous one, his houses and properties are destroyed and have to give two or three buffaloes during funeral and the murderer along with the family is expelled from the village for 7 years. The accidental and murder in self-defense, no fine is imposed but they are expelled from the village for one year. This is because the Poumai perform rites and ritual of the death for one year in which the murderer and the family should not be there in the village.

Maram tribe also imposes fine to the murderer depending upon the severity and intention of the murderer, the fine varies from 1 to 11 counts: The murderer is also expelled from the village for 7 to 10 years which is decided by the village council headed by the village chief.

The Thangal also classified the murder into two kinds (1) Intentional murder, in such case the murderer family is expelled from the village. All the movable and immovable properties are taken by the village authority and fined in cash are also imposed depending upon the severity of the case. In the second category, the murderer

by self-defense or accidental the family are not expelled but fine are imposed to compensate the victim family.

Rape is very rare in Naga society. If so, happen it is taken very seriously. The Mao tribe the rapist is beaten by the victims' family or by clan and fine are imposed heavily. In case of Maram the rapist may be beaten to death or make him cripple for life, on top of it fine are also imposed. Poumai also do not take rape likely, the rapist is beaten, and fine is imposed. The Thangal also take rape as inhuman and highest act of crime. The rapist is beaten and make him shame before the public and heavy fine is imposed.

In the Naga society there is dignity of labour. Therefore, theft is very rare particularly in the olden days. However, if so happen, the Maram custom, the thief is beaten and a black cow is imposed as fine. Moreover, he has to return double the amount, which he had stolen. For Poumai, theft is classified into three kinds

1. Theft inside the house
2. Theft inside the village but outside the house
3. Theft outside the village but in the fields

Thief inside the house is taken more seriously thief of eatable goods to kill the hunger is not fined, but any other things are deal in the village court. For Mao the article or good stolen should be returned to the owner and the punishment depend upon the articles stolen. The Thangal also make the thief property is to return to the real owner. Fine is imposed according to the crime and village court fees are imposed to him.

Land dispute is one of the common cases of the tribals because they do not have land record. However, in spite of lack of written documents and if problem arise they settle the problem with ease as they have means to settle the dispute.

The Mao when land dispute arise both the parties arguments are heard in the village courts and according to witness and evidence the verdict is given. However, sometime if there is confusion or both the parties have evidence or witness, which cannot settle the issue as a final means oath and ordeal are given. Here for the Mao the persons in dispute will takes oath by holding a leaf (Shilpriikholo) local name and take oath by swearing that he may die if he is wrong.

Poumai when there is land dispute the village authority in the village council try to settle by give and take policy or through evidence or witness. If no solution can be found, the last option is oath and ordeals here Poumai have mainly three forms of oath and ordeals.

1. Eating of the disputed soil swearing in the name of god saying that he may die within a year if he is wrong.
2. Water ordeals : It is instant the wrong person floats where as the innocent will remain inside the water.
3. The third type is most serious one here the man will hold his organ and swear in the name of God saying that if he is wrong may he be barren and all his clan may be perish. This last oath is rarely given because it did not only affect him if he is wrong but also to the whole clan.

Maram in case of land dispute, the customary village court try to settle the dispute. However, when there is no possible way to settle the matter, as a last option it is given oath and ordeals. Maram customary oaths can be classified into the following.

1. Oath by Stone : In Maram Khulen there is a particular secret stone name as "Riiling" people

swear in front of this stone, it is said that the deity of the stone punish the culprit.

2. Curse on man-like effigy: When there is theft in the village, which cannot be caught, they make and effigy like man and all the people throw stone in it and swear that may the thief parish like this effigy. It is believe that the thief will perish and die like the effigy.
3. Oath by the earth: If anyone has taken land by force or by extending his boundary. He will take the disputed soil and throw behind him saying that, this is my land, if I am wrong I will go under the earth (I may die)
4. The oath of the fourth case is applied to adultery. If a man is accused of committing adultery and if he refused to accept the allegation, he is asked to hold his organ and take oath saying if I commit adultery then from now onward, I will not have any more children.

The Thangals in case of land dispute and no settlement can be found then it is awarded oath and ordeal. There are about four types of oath and ordeals.

1. Oath by soil: Both the accused are to hold the soil of the dispute land and place on the head swearing that, they may not live to eat the produce of the soil if they are wrong. The result is seen within a year.
2. Biting tiger's tooth: sometime people take this oath by biting the tooth of the tiger swearing that tiger may eat him if he is wrong.
3. Oath of rice leaf: In this case, the accused will hold the leaf blade of the rice and swear that, he may die without eating the rice if he is wrong.

4. Water Ordeal: It is commonly practice by other Naga tribes also. The Thangal also use this ordeal. On the fixed day both the man in dispute will come and immersed at the same time the fault will float. In such ordeal, the result is instant.

Such are some of the ways and means of administration of justice of the Nagas when crime or any dispute arises.

5

Customary Laws and Practices of Nagas in Tamenglong District

5.1 SHORT PROFILE OF NAGAS LIVING IN TAMENGLONG DISTRICT.

Tamenglong District

It was earlier known as Manipur west district. However, in 1983 it was renamed as Tamenglong District. It is one of the mine district of Manipur. This district is bounded by Senapati in the East and North. Assam district is the west and south by Churachandpur and Imphal west. The district occupies an area of 4391 sq. Km and Tamenglong town is the headquarter of this district.

According to 2011, census Tamenglong district has a population of 140143. The district has a population density of 32 inhabitants per square kilometer. Its population growth rate over the decade 2001-2011 was

25-69%. It has a sex ratio of 953 females for every 1000 males, and it has a literacy rate of 70.4%. As of 2011, it is the leas populous district in the state.

The district is divided into four sub-divisions namely 1) Tamenglong 2) Tamei 3) Tousem and 4) Nungba. Tamenglong district is predominently reside by Zeme, Liangmai, Puimei/Inpui, Rongmei and Some Thadou etc. are also residing in this district.

Tamenglong in mainly settled by Zeliangrong. The word "Zeliangrong" is a nomenclature which was coined in 1947. Its word is taken from the first three syllabus of the three ethnic group namely, Zeme, the Liangmei, and Rongmei that is 'Ze' 'Liang' 'Rong'" together forming "Zeliangrong". It is believes that these three kindred tribes are the descendants of one family and they are brother, Liangmei as the eldest, Zeme as the second and Rongmei as the youngest one.

In Manipur, Zeme and Liangmei are officially known as Kacha Naga where as in Nagaland they are known as Zeliang. Rongmei and Puimei or Inpui are officially known as Kabui in Manipur.

5.1.1. KACHA NAGAS

The Liangmei, and Zema ethnic groups of Nagas are known as Kacha Nagas. Like other Nagas, they are also Indo-Mongoloid race. They are slightly less muscularly built, but strong and healthy with fair skin. They have black strait to wavy hair with less flattened nose. As per 1981 census record, their population is 17138. They scattered in Manipur and Nagaland.

The word Kacha Naga is believes to be derive from Angami Naga word "KETSA" which means thick forest. The coining of the tribe as their believe was once an

outsider coming to Kohima area of Nagaland asked the people pointing to the Liangmei and Zeme area weather there are any people living beyond the thick forest . The people responded saying that some people lived beyond the "KESTA" (Thick Forest). Since then the people in that area beyond the forest are known as' Ketsa'. Which later corrupted in to Kacha Naga. However, Liangmei and Zeme want them to be recognize by their original name that is Liangmei and Zeme.

They have six clans namely: 1. Mpame 2. Nikuame 3. Newme 4. Nriame 5. Songome 6. Hezarme. Their house is constructed on the ridge of the hills with elevated above the ground. Jhumming cultivation is their main occupation in the village. The unmarried girls cut their hair but after marriage they kept long hair. Women wear colorful dresses and necklace made of shills, Elephant tusk, bones, and Horns of Mithun etc. They have morungs (Youth Dormitories) system. The boys Dormitory is known as "Hangseuki" Where as the girls dormitory is known as "Leuseuki". The youths main activity of learning different kinds of arts, Weaving, Singing, Dancing, Technique of war, etc are teach and learn here.

The village headman (Chief) is mostly hereditary and the village administration is carried out under his leadership and in democratic norms. He is known as APAIKI. Next to chief is known as Wangpen who assist the king. Different elders of each clan represent the village council. It is the highest organ of the village administration where any kinds of problems or development are deal here. Celebration is held when valuable items or when there is success in there venture, among them bringing head of the enemy is accorded highest which is celebrated for 5days. Killing of Tiger is second highest which is celebrated for 3days. killing of python, bear, wild big etc, is third grade of valor.

5.1.2. KABUI

The Rongmei and Puimei/ Inpui Nagas are known as Kabui. They mainly inhabit in Tamenglong District of Manipur. They also scaterely inhabit in Bishnupur, Thoubal, Imphal, Churachanpur, and Senapati District. As per 1981 census, their population is 52966.

One of the proposition about the origin name of Kabui is from the word "Apui" (Mother) corrupted the word and later known as KABUI. It is believed that they were worshipper of goddess "Leimaren" and lovingly address her as "APUI" and there after the worshiper were known as Kabui. According to their ancestral belief, the supreme God who created the Universe is known as "Raagong". It is said that according to direction of Raagong, Daampapu and Daampapi created man and women after the image of supreme God. They learn God's song, language, norms etc. According to their legend story, it is said that they lived in a cave but with the help of boar and Mithun they emerge out of a cave. This cave site is known as "Ramting Kabin" which is near present Oklong village in Senapati District. The legend story continues to say that the first couple (man and women) was known as Dirannang and Dichalu. They had four sons. 1. Kadhi who is the ancestor of Liangmeis, 2. Rambangdhi ancestors of Zemes 3. Dichalen progenitor of kabui and 4. Namgong the decedents of Marams.

The Kabui house are painted with significant arts and its frontal main pillars bears wood carving with meanings. Their dresses are colorful and the shawl wear by man shows their status in the society like Tangkhul, the Kabui also they are very protocol- minded about their dresses.

The Kabui society may be divided into four main clan they are: 1) Kammei 2) Gongmei 3) Gangmei and 4) Longmei accept Longmei the rest three has sub-clan.

The Kabui male lifetime is divided into three stages of social group institution. They are

1). Khangchu, boys dormitory 2). Ganchang-kaipang next higher social group of the elderly man. 3). Banza-Kaibang oldest man group. Like man classification stages of group Female also divided into three stages of social groups. 1) "Luchu" unmarried girl group (2) "Mathenmei" married women group and (3)"Kengzapui" old women group.

The village administration of Kabui is carried on by Pui (Council of Elders) consisting Nhampou-Nhampei (Founder of the village) Tinku and Banza. There is other office like Khunbu, Khullak, Luplak, Mantri, Lambu etc. these members are usually represented by the senior most citizen of the village through which social and political problem are deal as per customary law of the Kabui.

The Kabui are religious people the supreme God is known as "Range" apart from this they have many deities like family deity known as Kairo, village deity call "Bhamboo" ; Dampapui is goddess of creation ; Champei, goddess of birds and beast ; Karampou Karampei, presiding deities of places. They also believes in existence of evil spirit and they believes that evil spirit harm human beings.

5.2 MARRIAGE

Zeme Nagas do not approved marriage within the same clan. If so happen they are not driven out from the village but they are consider as taboo or unclean. Therefore, they are not allowed to hold any village authority seat; even if they are rightful heirs of chieftainship, they are also not allowed to inherit the

hereditary post. It is belief that the offspring of the incest have problem. And the couple lives a life of shame and humiliation the rest of their life. Zeme did not practice endogamy and the most preference marriage of their sons is mother's brother's daughter (MBD). Polygamy a man having more than one wife is a matter of pride for traditional Zemes, because it is said that a man's velour is calculated by the number of wives he has. The pride price is not fixed but the usual practice in olden days was the young pride price is more than the aged pride price. On the wedding or appointed day, the groom's family will bring the money in coin only and put into the winnowing fan the eldest male of the clan will count and verify the amount. Now a day in cash of about Rs. 50,000/- are given.

Liangmei also clan endogamy is not allowed. Those people marrying within the same clan are expelled from the village. In the traditional time pride price is necessary which are given in cash or cattle. But now a day pride price are not demand but it is given in the form of exchange with shawls etc. Although there exist polygamy, monogamy is preferred and practice by Liangmei society.It is considered as serious sin. If such things happen, the family members and the village court try to separate them. However, in spite of disapproval if they continue to have relations they are driven out from the village both of their cloth are burnt outside the gate of the village. In future if they come back and settled in the village no leadership is given to them. The pride price of Puimeis are not fixed it depend upon the economic condition of pride and grooms which are given in cash or in kind. Monogamy is most prefer and practice by Puimei tribe.The first legal wife is given power in their customary practice that if the husband has mistress or

second wife the first wife or his clan can beat up and humiliate her. Therefore, polygamy is very rare in Puimei tribe.

For Rongmei, clan endogamy is considered as serious sin, because it defiles the clan as well as the village. Therefore, they are to get penalties for such sinful act. Those penalties are-

a) They are expelled from the village
b) Such people cannot join in the village activities
c) They cannot host dormitories
d) The cannot perform religious rites and rituals
e) Bride price are not given
f) They cannot hold a leadership in the village.

As a sign of purification/sanctification of the village one each of their cloth are burn in the village.

Traditionally the bride price of Rongmei consists of the followings:-

1) Two bulls
2) Two spears
3) Two duos
4) Two shawls
5) Two plates
6) Two armlets
7) Two bangles
8) Two neckbands
9) Two hoes
10)Two sickles

The above items are given as bride price during the time of marriage. In case of the bride as divorce or widow the price are half of the above-mentioned items. However, today the bride price is given mostly in cash

depending upon the wishes and economic condition of the bride and grooms.

5.3 DIVORCE AND SEPARATION

The Zeme Nagas divorce the couple of the followings:-

1) Incompatibility between husband and wife, this includes works and sexual reason.
2) Infidelity on the part of women
3) Barrenness (on the part of women)

The divorced women are not given any share of properties. The Zeme customary laws do not have right over her husband property.

Liangmei also practice that the divorce women are not given any properties. If the divorce is done by unilateral in the free will of the husband, the wife and the family can appeal to the village court for justice. The village court can impose fine to the husband if the divorce is of no valid reasons.

The Puimeis divorce can be given of the followings:-

1) Barrenness
2) Incompatibility
3) Adultery

If marriage are dissolve by mutual agreement with both side such agreements should be acknowledge to the village council. If divorce happen with the false of the husband the properties brought by the wife during marriage should be returned. If the divorce matter is, settle in the village court the wrong person should give one pig and a pot of wine to the village court. In a rare practice of the Nagas. In Kabui Khullen village, if divorce takes place due to the fault of the husband, then the children born to them and the properties accumulated by the couple belong to the wife.

The Rongmei like other Naga tribes divorce is very rare, but it too happens sometime the most common one are infidelity and incompatibility. Adultery of husband does not lead to divorce but women infidelity lead to divorce. Thus, it did not seem to have fair judgment in this regards. This is common custom of all Naga Tribes. The Rongmei if divorce is agreed and still have nursing baby the mother took care until it reached 4-5 years but the father bear the expenses of child rearing. It is taboo to re-unite again if legally divorce.

5.4 INHERITANCE AND SUCCESSION

The Zemei customary laws of inheritance is the youngest son got the lion share of the parents' properties whether movable or immovable. He also takes care of the parents when they are too old to look after themselves. The rest properties are shared with the remaining brother.

Women cannot inherit parents' properties. They are to be satisfied with the properties given during the time of marriage. If the couple does not have male issue, the properties are inherited to the nearest relative of the male line. The one who inherited also take burden and responsibility to clear due/loan if any of the inheritor.

The Puimei like Zemei, the youngest son inherit the lion share of the parents' properties. He is also in change to look after the aged parents. In no circumstance daughter cannot inherit the ancestral property and house of the parents.

The Liangmei also inherit the major properties of the parents. The rest are divided among the left brothers. The youngest son also looks after the parents when they are too old to take care of themselves. Women cannot inherit the parents' properties.

The Rongmei also follow matrilineal system. Moreover, the youngest son takes the best properties and house of the parent the remaining are share by the remaining brothers. Women cannot inherit parents' properties. If the parents do not have a son then it goes to the nearest male relative. If they adopt a son and which is acknowledge to the clan and the village council, he has right to inherit the properties.

5.5 CRIME AND ADMINISTRATION OF JUSTICE

a) Murder

The Naga have minutes customary laws, although it is not written, people know them because they practice honestly and the same yard stick is apply to everyone. Zeme administration of justice of crime for murder is classified into two:- 1) Murder by intentional 2) Murder by accident. In case of the former the murderer and his family is expelled from the village for three years. This is because firstly it is to subside the anger of the victim family. Secondly as a form of punishment to the whole family because of the crime, he has committed. At the end of three years, the perpetrator may appeal for re-entry into the village in which the village council may consider it. In the second type of murder, the case is less severe so they are not expelled from the village, but he has to repay the crime he has committed. The fine depends upon the victim and the village council negotiation and agreements.

Lingmei also if the murder is accident he has to confess and bear the expenditures of funeral rites etc. and expulsion of the murderer depend upon the victims' family wishes. However, in case of intentional murder, heavy fine is imposed and the murder is expelled from the village.

Puimei also classified murder into two categories 1) intentional 2) accident or self-defence. In case of intention the murderer and the whole family is expelled from the village and all their properties including homestead and land are under the custody of the village court, and the deceased family may make use of them as compensation to death. The murderer will also have to pay a mithun or a pig. After ten years of expelling from the village, the murderer may appeal the village court for re-entry. The village court may or may not grand the appeal.

Murder by self-defense or accident has to be authenticated moreover he has to confessed to deceased family. If it is accepted the punishment is lighter, and the murderer and family members are not expelled from the village.

Rongmei also consider murder as highest crime. If the crime is committed with intention, it is taken more seriously. Heavy fine are imposed. If it is by mistake or accident also the murder have to give fine in form of cash or animal when there is any homicide, to compensate it shedding of animal blood is done. The animal fined will be cut into piece and distribute to every household, as a sign of settlement and worn them to stop any more killing. In case of murder within the family, such matter is left to be settled within the family or clan

b) Rape

Rape is very rare in Naga society, however if happen it is dealt severely. Zeme tribe if a man tries to rape or molest unmarried girl in her house or in the girls' dormitory which is the most serious one. After tearing off his cloth usually with knife the man is pull up, hangs in the middle of the village, make ashamed, and humiliate before the public. The girls' family male member may also beat the culprit.

Liangmei also consider rape an inhuman and shameful act. After beating up he is imposed fine like ox or big if the case is serious he may even be expelled from the village.

Puimei punish the rapist with heavy fine to compensate the crime committed to the girl. If it is the willing of the girl, he will be told to take her as his wife if such agreement is there the fine may be reduced. Puimei people look down the rapist; he did not have status in the society.

Rongmei also like other Naga tribe the rapist is beaten up fine him a pig or a mithun or in cash, he is disgust in the society for committing such shameful act.

c) Adultery

Zeme tribe tries its best to preserve the sanctity of women. A man can be consider as committing adultery if he grasps even the carrying basket of a married women. This is called "Puaru Pinmei". In such case, he is fined with a pig. When a man commits adultery and got red handed, he can be killed on the spot. The adulterers are expelled from the village for 3 years. After three years, he may appeal the village court for re-entry. The court decides according to his confessional statement and of his past records.

Liangmai in case of adultery both can be killed when got red-handed. He is bitten up his house may be destroyed, and he has to pay heavy fine and he is expelled from the village.

Rongmei also do not take adultery lightly. They classified it into three categories:-

1) Sexual relationship of married women with her lover on the bed of the couple in the house of the husband.

2) Sexual relationship of the wife with other man outside the house of the husband.
3) Sexual relationship or seduce or elope with a girl who is betrothed to a man.

All the above are different form of adultery but the 1st one is the most serious one, he can be beaten to death and the first two one penalties are given as follow:-

1) The culprit is made to pay double the pride price.
2) Fine in form of pig or cows are given
a) To the husband clan b) to the husband family c) to the village , apart from this the culprit house can be destroy.

In the third case of adultery, the mementoes or present given to the girl's parents will be returned to the boy's parents. However, the calling off the engagement depend on them.

For Puimei adultery is divided into two 1) adultery with married women 2) adultery with betrothed women. The former one is taken more seriously. The husband of the women destroyed the lovers' frontal portion of his house the back half of the house is spare as it is consider as womens Chamber where as the frontal portion is consider as husband chambers. The culprit has to pay double the pride price to the husband of the women and the women from then onward have no more right over the family property and the children. In some Puimei village they practice that both lovers (adulterers) are expelled from the village for ten years and their house are destroyed.

d) Illegitimate Child

Rongmei regards chastity of women. A pig is imposed as fine in case of pre-marital sex. If the woman is pregnant

and if the man would like to take the child after mature the father will have to pay one cow and money, which the mother asks for. The father will be responsible of all the needs of the child and his future life.

Puimei, in such case the court will ask him to marry the women. If he refuses, the child is born in the women's house and the claiming of the child depends upon the father. If he did not claim it, the mother clan brought up and gave their clan surname. However, in some Puimei village it is practice that if the man refuse to marry the women, he will have to give fine of 30 silver coins in olden days as well as mithun. If impregnates a widow or a divorce women the fine imposed is lesser. In such case they will be expelled from the village and the money fined imposed are given to the village.

Liangmei tribe, a woman who conceives out of wedlock is a shame for the clan and of the village. Usually the members of the clan ask to marry the women. If the man does not want to marry, he has to give fine and bears all the expenses of the child. If it is a boy, the father takes him but if the child is daughter, she usually remains with the mother.

d)Theft

Theft in Naga society in olden days is rare, because it may be, in olden days the peoples are hard working and there was abundantly food grains and since their wants are limited and confined to tradition way of life, thief was uncommon.

The Zemei tribes are lenient towards thief of eatables like, rice, paddy, or eatable goods, for they consider that it was done to kill the hunger of the man. However, if a man is a habitual of thief than he is punish according to the crime he has committed. However, stealing of

animals, household goods etc. repeatedly he can be even expelled from the village.

The Lingmei also consider theft of animal and household items from the house is taken more seriously. The stolen goods are told to refund or repay. If he become professional or frequent of such act, he may even be expelled from the village.

Puimei when theft is committed the two parties try to settle the matter themselves. However. when settlement could not be arrived at then it is reported to the village court with a pot of rice bear. The court will try the case and if he is found guilty, he will be asked to return and repay the stolen goods and a fine of one pig for village elders and household to eat together. In case of repeated habitual act, he may be expelled from the village.

Rongmei consider theft as a shameful act. He is looked down and do not have high social status. If found he is asked to returned the stolen goods and make him to confessed along with this he has to pay a fine of one pig which will be shared by the whole village.

e) Land Dispute

Land dispute is very common among the Naga community this is because as the land are very vast and there is no record in documents moreover the boundary are hardly marked and sometime it is destroyed by fire and other natural calamity or by animals etc. Land dispute particularly of boundary are common case of the tribals.

The Zeme when land dispute are arises of the same village or with other neighboring village if the matter cannot be solve by themselves it is referred to the village court where evidence or witness etc. are examine and pronounce the verdict. However in case of beyond their

knowledgeable means to settle the issue it is refer to oath and ordeal which is final in the Naga way of administration of justice. In other word it is left to God or deity to do his judgment and punished the guilty.

The Liangmei as well as Rongmei Naga tribe if the land dispute is of inter-village it try to settle in their village council. However if it is of outer village disputes the neighboring village try to settle the matter by examining evidence, witness, etc. In case of failure to arrive, any agreements of the two-it is refer to oath and ordeal.

Puimei when there is land dispute witness, evidence, or proof are seek. If any of the party does not have such evidence he is ask to take any form of oath or ordeal if he refuses so, he is declared as guilty. It is believes by the Nagas that with the wrong conscience people will not take oath or ordeals because the curse or ill luck will be fallen to them.

5.6 OATH AND ORDEAL

The Nagas are not animist. They do not worship natural object nor do they worship evil spirit. However, they give offering to evil spirit as appeasement policy so that no harm is done to them. Nagas believes in the existence of supreme God which is known as "Ameiwo" in Tangkhul they have many smaller god or deity like god of wealth, god of death, house god, god of paddy field etc. Believing all this living god, they fears that if any wrong things is done God will punish them. Therefore they live a life following customary laws, and in truth and honest.

Oath and ordeals are part of this believes system, that God will definitely judge the wrong persons. Because

they believe, that God is honest and impartial. Hence, when two people dispute for some problem and cannot be resolved through the best of human rationality it is surrender to God to do justice for them.

The oath and ordeals of the Kacha Nagas and the Kabuis are as follows:-

Zeme Nagas have several forms of oath. Some of the most important of them are:-

1) *Dipping fire brand into a pot filled with water.* Here the persons in dispute will hold the fire brand in front of the elders or village council and swear that if I am wrong may my life be extinct like this fire if I am wrong and both of them will dip the fire inside the water.

2) Immersion into water.

   The man in dispute will dip together in the same pond or lake before the public who will be witnessing it. It is said that the wrong person will float immediately where as the right person will submerged into the water with ease. He will be pull up after showing the result.

3) Biting a tigers tooth

   On the appointed day when the elders or village councilor are gather & the portion in dispute will bite the tooth of the tiger swearing that I may be killed by the tiger if i am wrong.

4) Crushing and egg

   Another method of Zeme oath is the man in dispute will hold an egg in his palm and swear in the name of God of heaven and earth to be witness saying that what he said and claim is true if he lies may his life be forfeit and cursed like this egg and he threw dawn to the ground to smashed it.

Liangmei also like Zeme perform the oath and ordeals like:

1) Emersion into the water
2) Biting a tiger tooth
3) Crushing an egg etc.

It is believes that most of the result are shown immediately or within a year's time.

The Rongmei also in the olden time use the method of oath and ordeals when the dispute cannot be settle. The most common one are:

1) Biting tigers tooth
2) *Water ordeals* (Emersion into water)
3) *Rice grain ordeal* here the parties in dispute will be allowed to boil the rice grain. It is said that the fault person's rice will not be cooked.
4) *Stone fallen in lightening*: Here the parties in the case will swear in the name of God that if he is wrong let the lightening kill him.

Puimei also practice their method of administration of justice when the dispute or any case is beyond their means to settle. The most common practice of the Puimei tribes are:-

1) Emersion into the water
2) Biting of tigers tooth
3) Holding the lightening stone in hand and swear that I may be strike to death by lightening if I am wrong.

The tribals particularly the Nagas do not immediately refer to oath and ordeals when there is any dispute. Because this means a curse and immediate death or punishment to the wrong persons. Hence such oath and ordeals are only given by the village council or the man

in dispute only when there is no other way to settle the issue. The modernization, education and Christianity leads to decrease and discourage such act of oath and ordeals but still it is practice by some people as a means to obtain justice from the creator.

5.7 CONCLUSION

The tribal customary laws are one of the most neglected subjects in the past because their laws and way of life was judge from Western perspective. However, this mindset of judging other through Western prism declined with the downfall of the British Empire. In the later part of 20th century, the study of ethnic or ethnicity particularly the study of customary laws and religion of the tribal become the center of attraction because when we study deeper into their philosophy, belief system, and way of life, we discover many new things, which are unique in many ways. It is something like discovering the hidden treasure.

The ethnic, cultural and linguistic plurality of the tribals, are unique in its way. However sometimes when the original of its usage or language is translated into English or other common language it lost its beauty, vigor, and true meaning. Moreover, sometime there is no words to substitute it, hence trying to do justice of explaining tribal way of life, their customs, religion, and their belief system etc. are quite challenging task.

Custom are not necessarily customary laws, they are not synonymous either. Customary laws have the sanction of the society, if not obeyed it is punish. But custom are not laws but at the same time it is not just usual normal practices, there may be many customs without any legal authority therefore, in case of violation of it may not be punishable but people follow and practice it with due

respect. In short, customary laws are socially sanctioned behavior of the members of the particular tribal society and violation and disobeying it is punishable under their set up norms. This social practice transmitted from generation to generation.

The Nagas particularly inhabiting in Ukhrul, Chandel, Senapati and Tamenglong district are all mongoloid races, speaking Tibeto-Burma language. They believes that they originated from the same place. Which traced back to Mongolia, and they further drift down towards Huang-Hao river in China and further moved to Burma and then settled in the present dwelling area. Having such common original root, they have similar custom. They are governs by their customary laws in their original land.

For them, land is the foundation and root of everything it is related to their culture, their custom, religion, survival, and identity. Therefore, they feel that disturbing their land means disturbing their existence as a whole. They also feel that their land ownership system is based on justice and practicality, such system is the only means for them to survive and maintain their land and rights.

The backbone of the administration of customary laws is through the village council, with the village chief as the head of it. He is sometime act as religious head, chief judge, chief administrator, and chief commander in time of war, but whatever he does, it is according to the customary laws and of the wishes of the people. There is a Naga saying that, "No cock hurts the chicken, and no king speaks roughly".

The administrative rules and regulations are compatible with spirituality. The customary laws, religion, and polity of the tribal are intricately woven so much

that, it is hard to distinguish them. Nevertheless, the village chief as the head and responsible person of the entire subject execute and administrate it in democratic principle. Cases, which cannot be solved in the village court, are referred to ordeal. The judgment order from the village court or the result of the ordeal is readily accepted and obeyed. The customary laws, which are not written, yet people remember them all, they have complete customary laws for everything from minor to major issues dealing with the entire subject that a human being needed. They have even customary laws dealing with animal, birds, environment etc. Thus, Nagas customary laws and practices are sets of norms that a man needs it for living as a complete human being whether social, economical, and political and for spiritual wellbeing.

The traditional Nagas outside appearance can be deceptive because they are scantily dress with tattooing their body with rough skin because of hard working surely they do not look refine or modern in outlook. But the measuring criteria of civilization and development is not necessarily judge through outlook. For that, matter thinks of Mahatma Gandhi who dress scantily and live a simple life but his philosophy and way of life was much ahead than that of any developed countries leader of the world. Today his philosophy and ideology is the most significant and need of the hour when the world is bleeding with violence everywhere. The British miscalculated his simple deceptive outlook appearance in his time. Therefore, they missed his valuable ideology and humanity. Likewise, if we deeply examine the Nagas customary laws, culture and belief system it may surprise us in many ways.

The Nagas are innocent yet full of compassion and humanity. They are ignorant yet they have all customary laws to govern human being, animal's nature, and environment. They were not educated yet they know and memorized all the events of the past and present. They are not rich yet they can throw feast of merit, feasting the whole villagers sometime for days and weeks. There was no written laws but they have rule of laws. They do not maintain records or documents yet they can remember their generology and events easily. They were not taught morality and integrity yet they posses high morality and integrity.

The doctrine like "No war zone" and "Pukreila" of the Tangkhul are unique and is highest form of humanity and civilization. They were religious people. Their life were govern with full of rules and regulation like Religious laws, Customary laws and taboos (Sharra in Tangkhul) yet they obey and live under it with ease. Their different kinds of laws, religious rites, Omenation, Divination, Crime and administration of justice, Penalty and mode of punishment, Marriage, Inheritance and partition of property, Oath and Ordeals, Religion and belief system etc marvel one and all.

The tribal people seem to be more rational and sensible than what we are now. They consider even trees as living being, so they cut the trees with due respect and cover the trunk of the cut trees with mud. They do not trap birds during nesting season. They do not shoot or spear the animals when they are mating or sleeping. Any perverted form of act, unnatural etc is considered as sin. Hence, the society does not approve them. They maintain and build up harmony with surrounding world. This includes harmony of human with animals, human with nature, human with environment. I feel that we have

many things to learn from this tribal people of their belief system and way of life.

Such unique customary laws have been there since time immemorial. Strange but true in the historical journey of the implementation of customary laws there has been not a single generation or period, which question and challenge the validity of customary laws by their own people. Even today, the customary laws and practices of the tribals are respected. As it is based on practical reality and harmony with man-to-man, man with nature, man with animal and man with environment, I feel that customary laws and practices of the tribals are here to stay.

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Appendices

THE MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) ACT, 1956

ACT NO.80 OF 1956

An Act to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the Union territory of Manipur.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.-

(*1*) This Act may be called the Manipur (Village Authorities in Hill Areas) Act, 1956.

(2) It extends to the whole of the hill areas of the Union territory of Manipur.

(3) It shall come into force on such date *{18th April, 1957, vide Notification No.S.R.O.88, dated 7-1-1957 Gazette of India, Pt, II, Sec.3, p.43.}* as the Central Government may, by notification in the Official Gazette, appoint.

2.Definitions

In this Act, unless the context otherwise requires,—

(*a*) "Chief Commissioner" means the Chief Commissioner of Manipur;

(*b*) "Deputy Commissioner" means the Deputy Commissioner of Manipur and includes the Additional Deputy commissioner thereof;

(*c*) "heinous offence" means—

(*i*) any of the following offences punishable under the Indian Penal Code (45 OF 1860), that is to say, any offence under Chapter VI, rioting , any offence under Chapter XII, murder, culpable homicide not amounting to murder, grievous hurt, kidnapping or abducting in order to subject a person to slavery, buying or disposing of any person as a slave, habitual dealing in slaves, rape, robbery, dacoity, mischief by fire or explosive substance, and house breaking;

(*ii*) any offence punishable under the Indian Arms Act, 1978 (11 of 1878);

and includes any attempt, preparation or conspiracy to commit, and abetment of, any of the offences specified in sub-clause (*i*) or sub-clause (*ii*);

(*d*) "hill areas" mean such areas in the Hill tracts of the Union territory of Manipur as the Chief Commissioner may, by notification in the Official Gazette, declare to be hill areas;

(*e*) "legal practitioner" includes a pleader, mukhtar or revenue-agent;

(*f*) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

CONSTITUTION AND FUNCTIONS OF VILLAGE AUTHORITIES

3.Constitution of Village Authorities

(*1*) For every village having twenty or more tax-paying houses there shall be a village Authority consisting of–

(*a*) five members, where the number of tax-paying houses in the village is not less than twenty but is not more than sixty;

(*b*) seven members, where the number of tax-paying houses in the village is more than sixty but is not more than one hundred;

(*c*) ten members, where the number of tax-paying houses in the village is more than one hundred but is not more than one hundred and fifty;

(*d*) twelve members, where the number of tax-paying houses in the village is more than one hundred and fifty.

(*2*) The Chief Commissioner may, having regard to the general interests of the people of any village as also to the demand, if any, from the people of that village for an elected Village Authority, declare, be notification in the Official Gazette, that the village shall have an elected Village Authority, and thereupon the members of the Village Authority of that village shall be elected in accordance with the provisions of this Act and the rules made thereunder.

(*3*) Where no declaration under sub-section (*2*) has been made in relation to any village the members of the Village Authority of that village shall be

nominated by the Chief Commissioner.

(4) Where there is a Chief Khulakpa in a village, he shall be the *ex officio* chairman of the Village Authority of that village; and where there is no such Chief or Khulakpa in the village, the chairman of the village Authority of that village shall be elected by the members of the Village Authority from among themselves.

4.Qualifications for membership of Village Authorities

A person shall not be qualified to be chosen as a member of a Village Authority unless he–

(*a*) is a citizen of India;

(*b*) is not less than twenty-five years of age; and

(*c*) in the case of membership of an elected Village Authority, is registered in the electoral roll as a voter for the election of a member of the Village Authority.

5. Disqualifications for membership of Village Authorities

A person shall be disqualified for being chosen as, and for being, a member of a Village Authority,–

(*a*) if he is a member of any other Village Authority;

(*b*) if he is of unsound mind and stands so declared by a competent authority.

6. Term of office of members of Village Authorities

The term of office of members of a Village Authority shall be three years from the date appointed for its first meeting.

7. Election of members of Village Authorities

The election of members of the Village Authority of a village shall be on the basis of adult suffrage, that is to say, every person who is a citizen of India and who is ordinarily resident in the village and is not less than twenty-one years of age on such date as may be fixed by rules made under this Act, shall be entitled to be registered as a vote at any such election.

Explanation.—A person shall be deemed to be ordinarily resident in a village if he ordinarily resides in that village or owns, or is a possession of, a dwelling house therein.

8. Power to remove members of Village Authorities

(*1*) The Deputy Commissioner may remove any member of a Village Authority from his office—

(*a*) who is convicted of any non-bailable offence; or

(*b*) who refuses to act, or becomes incapable of acting, or is declared to be insolvent; or

(*c*) who has been declared by notification to be disqualified for employment in the public service; or

(*d*) who, without an excuse sufficient in the opinion of the Deputy Commissioner, absents himself from six consecutive meetings of the Village Authority; or

(*e*) who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, if two-thirds of the total number of the members of the Village Authority at a meeting recommend his removal.

(2) No person who has been removed from his office

under clause (*a*) or clause (*c*) of sub-section (*1*) shall be eligible for re-nomination or re-election except with the previous permission of the Chief Commissioner obtained by such person in the prescribed manner.

9. Resignation of members

A member of a Village Authority may resign his office by writing under his hand addressed to the chairman of the Authority but shall continue in office until his resignation has been accepted in a meeting of the Authority.

10. Filling of causal vacancies

When the office of a member of a Village Authority becomes vacant by his removal, resignation or death, a new member shall be nominated or elected to fill the vacancy and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred.

11. Bar to interference by courts in election matters

No election of a member of a Village Authority shall be called in question in any court, and no court shall grant an injunction,—

(*a*) to postpone the election of a member of a Village Authority; or

(*b*) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a Village Authority of which he has been elected a member; of

(*c*) to prohibit members nominated or elected for a Village Authority from entering upon their duties,

12. Election disputes

(*1*) If a dispute arises as to the election of any member of a Village Authority, the matter shall be referred to the Deputy Commissioner who shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced.

(2) The order of the Deputy Commissioner may, within thirty days from the date thereof, be revised by the Chief Commissioner whose decision shall be final and shall not be questioned in any court.

13. Validation of acts and proceedings

No Act done or proceedings taken by a Village Authority under this Act shall be questioned on the ground merely of—

(*a*) the existence of any vacancy in, or any defect in the constitution of, the Village Authority.

(*b*) any defect or irregularity not affecting the merits of the case.

14. Incorporation of Village Authorities

Every Village Authority shall be a body corporate by the name of the village for which it is constituted and shall have perpetual succession and a common seal, and shall by the said name sue and be sued, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and do all other things necessary for the purposes of this Act.

15. Control of Village Authorities by sub-divisional magistrate

Subject to the general superintendence and control of the Deputy commissioner, the sub-divisional magistrate shall have control over all the Village Authorities within the local limits of his

jurisdiction.

16. Functions of Village Authorities

(*1*) Every Village Authority constituted under this Act shall, within the local limits of its jurisdiction, perform the following functions, namely:—

(*a*) it shall, to the best of its ability maintain law and order and for there purpose exercise and perform the powers and duties generally conferred and imposed on the police by or under the Police Act, 1861 (5 of 1861):

Provided that a Village Authority shale not be deemed to be a police officer within the meaning of sections 25 and 16 of the Indian Evidence Act, 1872 (1 of 1872) or section 162 of the Code of Criminal Procedure, 1898 (5 of 1898);

(*b*) it shall cause to be arrested without any order from a magistrate and without a warrant—

(*i*) any person who is a vagrant or commits a heinous offence or who has been concerned in any such offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned.

(*ii*) any person against whom a hue and cry has been raised on the ground of his having been concerned in any heinous offence, whether such offence has been or is being committed within its jurisdiction or outside it,

(*iii*) any person for whose arrest a requisition has been received from a police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made or it appears there from that

the person might lawfully be arrested without a warrant by the officer who issued the requisition,

(*iv*) any person designing to commit any heinous offence of which the Village Authority has knowledge, if the commission of offence cannot otherwise be prevented,

(*v*) any person who obstructs the Village Authority in the performance of its functions under this Act or rules made thereunder or a police officer while in the execution of his duty, and

(*vi*) any person who has escaped, or attempts to escape, from lawful custody:

Provided that where a Village Authority is unable to arrest an offender it shall forthwith report the matter to the sub-divisional magistrate who shall provide the Village Authority with such assistance as it requires:

Provided further that the Village Authority may pursue beyond the local limits of its jurisdiction any person who has committed a heinous offence or is a vagrant or of bad or suspicious character, and arrest such person outside the local limits of its jurisdiction with the consent of the Village Authority within the local limits of whose jurisdiction the person pursued is found;

(*c*) it shall give immediate information to the sub-divisional magistrate of every unnatural, suspicious or sudden death which may occur, and of any heinous offence which may be committed, within the local limits of its jurisdiction and shall keep the sub-divisional magistrate informed of all disputes which are likely to lead to a riot or serious affray; and

(*d*) it shall supply any information which any police

officer or the sub-divisional magistrate or the Deputy commissioner may require from it.

(2) No person who is arrested under this section shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest.

(3) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

17. Obligation to assist Village Authorities

(*1*) Every person shall be bound to render, to a Village Authority performing the functions under this Act, all the assistance which he is bound to render to a police officer under section 42 of the Code of Criminal Procedure, 1898 (5 of 1898), and every person who refuses or neglects to comply with any requisition for such assistance shall be punishable with fine may extend to—

(a) two hundred rupees, where the sentence passed by a Village court; or

(*b*) five hundred rupees, where the sentence is passed by the court of a sub-divisional magistrate.

(2) Against an order passed under sub-section (*1*) an appeal shall lie—

(*a*) to the court of sub-divisional magistrate, where the order is passed by a village court;

(b) to the court of session, where the order is passed by the court of the sub-divisional magistrate, within period of thirty days from the

date of such order or within such longer period as the appellate court may allow:

Provided that no appeal shall lie in any case in which a village court passes a sentence of fine not exceeding twenty rupees or in any case in which the court of a sub-divisional magistrate passes a sentence of fine not exceeding one hundred rupees.

18. Power of chief Commissioner to call for records of Village Authorities, sub-divisional magistrate or Deputy Commissioner

The Chief Commissioner may at any time call for and examine the record of any proceeding before a Village Authority, village court, sub-divisional magistrate or Deputy Commissioner under section 17 for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and after perusing the record set aside, modify or confirm such finding, sentence or order:

Provided that where an order has been made by the court of session in an appeal preferred under sub-section (2) of section 17, the Chief Commissioner shall not interfere with such appellate order.

CHAPTER III

ADMINISTRATION OF JUSTICE BY VILLAGE AUTHORITIES

19. Constitution of village courts

Whenever a Village Authority has been constituted for any village, the Chief Commissioner may, by

notification in the Official Gazette, appoint any two or more of the members of the Village Authority to be a village court during their term of office as members of the Village Authority.

20. Jurisdiction of village courts in criminal cases

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), the village court shall have jurisdiction concurrent with that of the criminal court within the local limits of whose jurisdiction the village is situated for the trial of all offences specified in the Schedule.

21. How cases may be instituted

(*1*) A case before a village court may be instituted by a complaint, made orally or in writing, to a member of the village court.

(*2*) If the complaint is made orally, the member shall record the name of the complainant, the name of the person against whom the complaint is made, the nature of the offence and such other particulars, if any, as may be, prescribed, and shall direct the complainant to appear before the village court.

22.Power of village courts to dismiss or refuse to entertain complaint

(*1*) If upon the fact of the complaint, or on examining the complaint, the village court is of opinion that the complaint is frivolous vexations or untrue, it shall dismiss the case by order in writing.

(*2*) If at any time it appears to the village court—

(*a*) that it has no jurisdiction to cry the case, or

(*b*) that the offence is one for which the sentence which the court is competent to pass would be

inadequate, or

(c) that the case is one which should not be tries by the court,

it shall direct the complainant to the proper court.

23. Dismissal of case for default

If in any case before a village court the complaint fails to appeal on the day fixed, or if in the opinion of the court he shows negligence in prosecuting his case the court may dismiss the case for default, and such order of dismissal shall operate as an acquittal.

24. Proceedings preliminary to trial

(*1*) If the complaint is not dismissed, the village court shall subject to the provisions of section 53, by summons or otherwise require the accused to appear and answer the complaint.

(*2*) If the accused fails to appear or cannot be found, the court shall report the fact to the nearest magistrate, who may issue a warrant for the arrest of the accused and when arrested may forward him for trial to the village court or release him on bail to appear before it.

(*3*) The village court shall, if possible, try the case on the day on which the accused appears or is brought before it; but if that is not possible, the village court shall release him on his executing a bond for a sum not exceeding two hundred rupees to appear before the court on any subsequent day to which the trial may be adjourned.

25. Bar to appeal from the order of village courts, but power to order retrial

Notwith-standing anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), there

shall be no appeal by a convicted person in any case tried by a village court:

Provided that the Deputy Commissioner or the sub-divisional magistrate, if satisfied that a failure of justice has occurred, may, of his own motion or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a village court or direct the retrial of any case by a court of competent jurisdiction subordinate to him.

26. Power of village courts to impose fine or to award compensation

(*1*) A village court shall record its decision in writing and may sentence an offender convicted by it to pay a fine not exceeding two hundred rupees or in default to imprisonment for a term not exceeding one month.

(2) When a village court imposes a fine under sub-section (*1*), it may, when passing the order, direct that whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

(3) When a person has been sentenced to imprisonment under sub-section (*1*) in default of payment of fine, if such fine be not paid within ten days of the passing of the sentence, or within such further time, if any, as the village court may allow, the court may cause him to be arrested and may commit him to the nearest jail to serve his sentence:

Provided that notwithstanding anything contained in the Indian Penal Code (45 of 1860)—

(*a*) the fine imposed by a village court shall not

be realised from any person who has served him term of imprisonment under this section;

(*b*) the person serving his term of imprisonment shall be forthwith released, if the fine is paid before the expiry of the term of imprisonment:

Provided further that no woman shall be sentenced to imprisonment in default of payment of fine.

27. Power of village to release certain offenders after admonition or on probation of good conduct

When any person is convicted by a court of an offence punishable under section 26 and no previous conviction is proved against him, if it appears to the said court, regard being had to the age, character and antecedents of the offender and the circumstances in which the offence was committed, that it is expedient—

(*a*) that the offender should be released after due admonition, the village court may instead of sentencing him to any punishment, release him after due admonition; or

(*b*) that the offender should be released on probation of good conduct, the village court may, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), instead of sentencing him at once to any punishment, direct that he be released on his executing a bond for a sum not exceeding two hundred rupees to appear and receive sentence when called upon during such period not exceeding one year as the village court may direct, and in meantime to keep the peace and be of good behaviour.

28. Power of village courts to permit compounding of offences

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), the village court may allow the parties to compound any offence tries by it.

29. Power to transfer criminal cases

The Deputy Commissioner or the sub-divisional magistrate, either on application made to him in this behalf, or on his own motion, may transfer any case from one village court to another or to any other court subordinate to him.

30. Power to transfer criminal cases

Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law for the time being in force, but subject to the provisions of section 31 and section 32, the village court and the ordinary civil court, within the local limits of whose jurisdiction the village is situated, shall have concurrent jurisdiction to try the following classes of suits, namely:—

(*a*) suits for money due on contracts;

(*b*) suits for the recovery of movable property or the value of such property;

(*c*) suits for compensation for wrongfully taking or injuring movable property; and

(*d*) suits for damages by cattle trespass;

when the value of the suit does not exceed five hundred rupees.

31. Certain suits not to be tried by village courts

No suit shall lie in any village court—

(*a*) on a balance of partnership account.

(*b*) for a share or part of a share under an intestacy of for a legacy or part of a legacy under a will,

(*c*) by or against the Government or public officers

in their official capacity,

(*d*) by or minors or persons of unsound mind.

(*e*) for the assessment, enhancement, reduction, abetment, apportionment, or recovery of rent of immovable property.

(*f*) for recovery of immovable, or

(*g*) for enforcement or redemption of a mortgage of immovable property.

32. Local limits of jurisdiction of village courts

No suit shall lie in any village court, unless at least one of the defendants resides within the local limits of its jurisdiction at the time of the institution of the suit, and the cause of action has arisen wholly or in part within those limits.

33. How suits may be instituted

(*1*) A suit before a village court may be instituted by a petition made orally or in writing, and if the petition, is made orally, the court shall record such particulars as may be prescribed.

(2) The plaintiff on instituting his suit shall state the value of the claim.

34. Suits barred by limitation are not triable by village courts

(*1*) If at any time the village court is of opinion that the suit is barred by limitation, the court shall, by order in writing, dismiss the suits.

(2) If at any time it appears to the village court that it has no jurisdiction to entertain the suit, the court shall direct the plaintiff to the proper court.

35. Dismissal of suits for default

If in any suit before a village court the plaintiff fails to appear on the date fixed or if in the opinion of the court he shows negligence in prosecuting

his suit, the court may dismiss the suit for default:

Provided that a village court may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the court that he was prevented by sufficient cause from appearing on the date fixed.

36. Summons to defendants to appear and answer

If on receiving the petition the village court is satisfied that the trial of the suit may be proceeded with, it shall by summons or otherwise require the defendant to appear and answer orally or in writing the claim made in the suit.

37. Ex parte decision

If the defendant fails to appear and the village court is satisfied that he has received notice of the date fixed for hearing the court may decide the suit *ex parte*:

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of executing any processes for enforcement of the decision, apply orally or in writing, to the village court to set aside the order; and the court, if satisfied, that the defendant did not receive due notice of the date of hearing or was prevented by any sufficient cause from appearing on the date fixed, shall set aside the decision and shall appoint a day for proceeding with the suit.

38. No order to be set aside without notice to opposite party

No decision or order or a village court shall be set aside under section 35 or section 37 unless notice

in writing has been served by the village court on the opposite party in the prescribed manner.

39. Power of village courts to determine necessary parties

(*1*) Subject to the provisions of clause (*c*) or clause(*d*) of section 31 the village court may add as parties to a suit any persons whose presence as parties it considers necessary for the proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tries as between the parties whose names are entered in the said register:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with.

(2) In all cases where a new party appears under the proviso to sub-section (*1*) during the trial of a suit, he may require that the trial shall begin *de novo*.

40. Certain suits not to be tried by village courts

No village shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same court or in any other court in a previously instituted suit between the same parties or between parties under whom they or any of them claim, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim.

41. Decision of village courts

When the parties or their agents have been heard and the evidence on both sides considered, the village court shall, by written order, pass such

decree as may seem just, equitable and according to good conscience, stating in the decree the amounts payable as fees under section 45, and the amount, if any, paid to witness under section 51 and the persons by whom such amounts are payable.

42. Instalments

A village court in ordering the payment of a sum of money or the delivery of any movable property may direct that the money be paid or the movable property be delivered, by instalments.

43. Decision of village court to be final; but power to order retrial

The decision of a village court in any suit shall be final as between the parties to the suits:

Provided that the district judge may on application of any party to the suit made within thirty days from the date of the decree of the village court, cancel or modify the decree or order of the village court or direct a retrial of the suit by the same or any other village court or by any other court subordinate to him if he is satisfied that there has been a failure of justice.

44. Death of parties

If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may, subject to the provisions of clause (*d*) of section 31, be proceeded with at the instance of or against the legal representatives of the deceased plaintiff or defendant, as the case may be.

45. Fees

(*1*) In all suits instituted in a village court a fee of one anna in the rupee shall be payable in advance by

the plaintiff on the amount of the claim upto fifty rupees, and of half anna for every rupee of the claim above fifty rupees, and such fees shall not be paid to either party.

(2) If the claim in the suit is decreed in full, the amount equal to the fee shall be realised from the judgement-debtor together with the amount decreed.

(3) If the claim in a suit is decreed in part, an amount equal to a proportionate part of the fee shall be realised from the judgement-debtor together with the amount decreed.

(4) Any amount realised under sub-section (2) or sub-section (3) shall be paid to the decree-holder.

46. Execution of decree

(*1*) If the village court passing a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect stating the among due to him on account of the decree and the amount due on account of fees under section 45.

(2) Any decree-holder wishing to execute a decree of a village court may apply to the court of the munsiff within the local limits of whose jurisdiction the village is situated and shall present with his application a certified copy of the decree of the village court; but no application for execution shall be entertained by the court of the munsiff,—

(*a*) unless the village court has certified that it is a unable to effect satisfaction of the decree, and

(*b*) unless the application is made after the expiry of three months from the date of the decree.

(3) In executing a decree of the village court the court of the munsiff shall have the same powers

and shall follow the same procedure as if it were executing a decree passed by itself.

47. Limitation for execution of decree or order

An application for execution of a decree of a village court made after the expiry of three years from the date of the decree or of any order under section 43 modifying any such decree, shall be dismissed, although limitation has not been pleaded:

Provided that where the application is made for execution of a decree or order to enforce payment of a sum of money or delivery of any movable property which the decree or order directs to be made at a certain date, the application may be made within three years from that date.

48. Procedure before village courts

(*1*) The provisions of–

(*a*) the Court Fees Act, 1870 (7 of 1870),

(*b*) the Code of Criminal Procedure, 1898 (5 of 1898), and

(*c*) the Code of Civil Procedure, 1908 (5 of 1908),

shall not apply to any trial or any criminal case or civil suit before a village court.

(2) The procedure to be followed by a village court in any criminal case or civil court and in the enforcement of its decisions, sentences, decrees and orders, and in the method of forming a quorum shall be prescribed by rules made under this Act.

(3) The Indian Evidence Act, 1872 (1 of 1872) shall not apply in the trial of any case or suit by a village court but the village court shall observe as far as possible the principles underlying that Act.

49. Persons who are to preside over village courts

(*1*) The village court shall be presided over by the chairman of the village Authority if he is a member of the court.

(*2*) If the chairman of the Village Authority is absent from a sitting of the village court of if he is not a member of the court the court shall elect its own President.

(*3*) In the case of difference of opinion among the members of the court the opinion of the majority shall prevail and the decisions and orders of the court shall be expressed in terms of the views of the majority.

(*4*) In the case of an equality of votes the person presiding over the court shall have a second or casting vote.

50. Village courts not to try any case or suiting in which the Village authority or any member thereof is interested

No village court shall try any criminal case or any civil suit to or in which the Village Authority or any member thereof is a party or is interested.

51. Attendance of witnesses

(*1*) Subject to the provisions of section 53 a village court may by summons or otherwise send for any person to appear and give evidence or to produce or cause the production of any document.

(*2*) A village court shall refuse to summon a witness or to enforce a summons already issued against a witness, where in the opinion of the court the attendance of the witness cannot be procured without an amount of delay, expense, or

inconvenience which under the circumstances of the case would be unreasonable.

(3) A village court shall not require any person living at a distance of five miles or more from the seat of the village court to give evidence or produce any document unless such sum of money be paid to him as appears to the court to be sufficient to defray his travelling and other expenses in passing to and from the court and for one day's attendance.

(4) If any person whom a village court summons by written order to appear or give evidence or to produce any document before it, fails to obey such summons, such person shall be guilty of an offence and the village court may take cognizance of such offence and may sentence any person convicted thereof to a fine not exceeding twenty-five rupees.

52. Appearance of parties before village courts

(*1*) The parties to criminal cases triable by a village court shall appear personally before the court;

Provided that the village court, of it sees reason so to do, may dispense with the personal attendance of the accused and permit him to appear by agent.

(2) The parties to civil suits triable by a village court may appear by agent.

Explanation.—In sub-section (*1*) and sub-section (2), "agent" means a full-time servant or a partner or a relative of the party whom the village court may admit as a fit person to represent that party and who is authorised to appear and plead for such party;

(3) Notwithstanding anything contained in any law, legal practitioners shall not be permitted to

practice before a village court.

53. Appearance of women

No woman shall, against her will, be compelled to appear in person before a village court as an accused or as a party or as a witness.

54. Realisation of fees, fines, etc

All fees and fines imposed, all sums decreed or compensation awarded and all sums due on bonds under this Act may be realised under orders of the village court in such manner as may be prescribed.

55. Registers and records

Every village court shall maintain registers and records and submit such returns as may be prescribed.

56. Language of village courts

All proceedings before a village court shall be Manipuri.

CHAPTER IV

MISCELLANEOUS

57. Power to make rules

(*1*) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the preparation, revision and final publication of electoral rolls for election of members of a Village Authority and the particulars to be entered in such rolls;

(*b*) the preliminary publication of electoral rolls in the village to which they relate;

(*c*) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred and the authority by whom such claims and objections may be decided;

(*d*) the nomination of candidates, the time and manner of holding elections and the manner in which votes shall be given;

(*e*) any other matter relating to elections to Village Authorities or election disputes arising therefrom;

(*f*) the regulation of the conduct of business of the Village Authorities and the number of members necessary to form a quorum;

(*g*) the registers and records to be maintained and the returns to be submitted by Village Authorities and village courts and the particulars to be entered in such registers, records and returns;

(*h*) the procedure to be followed by a village court in the institution, trial and disposal of criminal cases and civil suits and the number of members necessary to form a quorum of a village court;

(*i*) the issue, service or execution of summons and other processes by village courts and the issue and service of notice by village Authorities;

(*j*) the procedure for the transfer of criminal cases and civil suits from one village court to another village court or to any other court;

(*k*) the procedure for the execution of decrees orders and sentences of village courts;

(*l*) the fees to be levied by village courts for copies of documents and the procedure to be followed in furnishing such copies; and

(*m*) any other mater which has to be or may be prescribed under this Act.

58. Repeal and savings

The Manipur State Hill Peoples (Administration) Regulation, 1947, in so far as it relates to the constitution and functions of village Authorities and the administration of justice, both civil and criminal, by courts of village Authorities, is hereby repealed:

Provided that the said repeal shall not affect—

(*a*) the previous operation of the said Regulation, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation, or

(*c*) any penalty, forfeiture or punishment in respect of any offence committed under the said Regulation, or

(*d*) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty forfeiture of punishment may be imposed as if this Act had not been passed;

Provided further that subject to the above provisions anything done or any action taken (including any appointment or delegation made or any notification, instruction or direction issued or any rule, regulation or form made or framed) under the said Regulation shall in so far as such thing or action is not inconsistent with the

provisions of this Act, continue in force, and be deemed to have been done or taken under the corresponding provisions of this Act, unless and until it is superseded by anything done or any action taken under the provisions of this Act.

THE SCHEDULE

[*SEE* SECTION 20]

OFFENCES TRIABLE BY A VILLAGE COURT

1. Offences under sections 24, 26 and 27 of the Cattle Trespass Act, 1871 (1 of 1871.).
2. Offences under enactments (other than the Indian Penal Code (45 of 1860.) and this Act) or any rules and bye-laws made thereunder which are punishable with fine only upto a limit of two hundred rupees.
3. Offences under section 34 of the Police Act, 1861 (5 of 1861.).
4. Offences under the following sections of the Indian Penal Code (45 of 1860.), namely:—

   sections 160, 178, 179, 269, 277, 289, 290, 294, 323, 334, 342, 352, 358, 426, 447, 448, 504, and 510; and when the value of the property in the opinion of the village court is not over two hundred rupees, sections 379 and 411.

Customary Laws
of the Nagas of Manipur

Customary laws are a unique governs rules, regulations, and way of life of the tribals. The peculiar uniqueness its values and important and curiosity to know more about it grows in present generation, this is due to the growing with the realization of our pluralistic society.

This book deals with various Nagas custom and way of life particularly the Nagas of Manipur. The author minutely gives the Land ownership system, chieftainship its power and function, the source of laws, public rules and regulations, ceremonial rites, omen, divination, inheritance and succession, partition of property, doctrine of no war zone, crime and administration of justice, penalty and mode of punishment etc.

The author also deals in detail about a peculiar custom and belief system known as "Sharra" (taboo or forbidden norms). In spite of customary laws, which is unique, and has immense value, and is laws of wisdom, not much has been written and published about this subject. This book will be greatly benefits to all readers to understand the custom and culture of the Nagas. Moreover, we may have things to learn from this traditional law of wisdom of the Nagas. Read it to believe it.

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